



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, October 26, 2010, 6:00 p.m.

Council Chambers, City Hall

630 E. Hopkins Street

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Randy Bryan, Commissioner
Bucky Couch, Commissioner
Jude Prather, Commissioner
Curtis O. Seebeck, Commissioner
Jim Stark, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner

AGENDA

1. **Call to Order.**
2. **Roll Call.**
3. **Chairperson's Opening Remarks.**
4. **NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*
5. **Citizen Comment Period.**
6. **CUP-10-24. County Government Center.** Hold a public hearing and consider possible action on a request by Hays County to allow the use of metal as a façade material at 712 S. Stagecoach Trail.
7. **CUP-10-25. The Village of San Marcos.** Hold a public hearing and consider a request by Amy Ledbetter Parham, on behalf of Village of San Marcos, to allow a professional office for area non-profit organizations to be located within the Public (P) Zoning District at 215 S Reimer Ave.
8. **CUP-10-26. Gabriel's Wine & Liquor Outlet.** Hold a public hearing and consider possible action on a request by Gabriel GP, Inc. for renewal of a Conditional Use Permit to allow the consumption of mixed alcoholic beverages at 4200 S. IH 35 Suite 100.
9. **LUA-10-11. The Park at Willow Creek.** Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., on behalf of Robert W. McDonald III, to amend the Future Land Use Map from Commercial (C) to Medium Density Residential (MDR) on 3.41 acres out of Lot 35, The Park at Willow Creek, at 330 Stagecoach Trail.

10. ZC-10-15. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., agent for Robert W. McDonald III for a Zoning Change on 3.22 acres out of Lot 35, The Park at Willow Creek from OP (Office Professional) to SF-4.5 (Single-Family Residential) to develop single-family home sites at 330 Stagecoach Trail.

11. ZC-10-16. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., agent for Robert W. McDonald III for a Zoning Change on 0.19 acres out of Lot 35, The Park at Willow Creek from OP (Office Professional) to TH (Townhouse Residential) to develop single-family attached home sites at 330 Stagecoach Trail.

12. ZC-10-17. The Park at Willow Creek. Hold a public hearing and consider possible action on a request by Joel Richardson, P.E., agent for Robert W. McDonald III for a Zoning Change on 2.65 acres out of Lot 34, The Park at Willow Creek from TH (Townhouse Residential)) to SF-4.5 (Single-Family Residential) to develop single-family home sites at 350 Stagecoach Trail.

13. Renewable Energy Systems Ordinance. Hold a public hearing and consider action on an amendment to the Land Development Code to insert an ordinance into Chapter 4 for Renewable Energy Systems and to include Small Renewable Energy Systems and Large Renewable Energy Systems in the Land Use Matrix and Chapter 8(Definitions) of the Land Development Code.

14. Discussion Items.

Commission members and staff may discuss and report on items related to the Commission's general duties and responsibilities. The Commission may not take any vote or other action on any item other than to obtain a consensus regarding items that will be placed on future agendas for formal action.

Planning Report

- a. Update on proposed downtown form -based code.

Commissioners' Report.

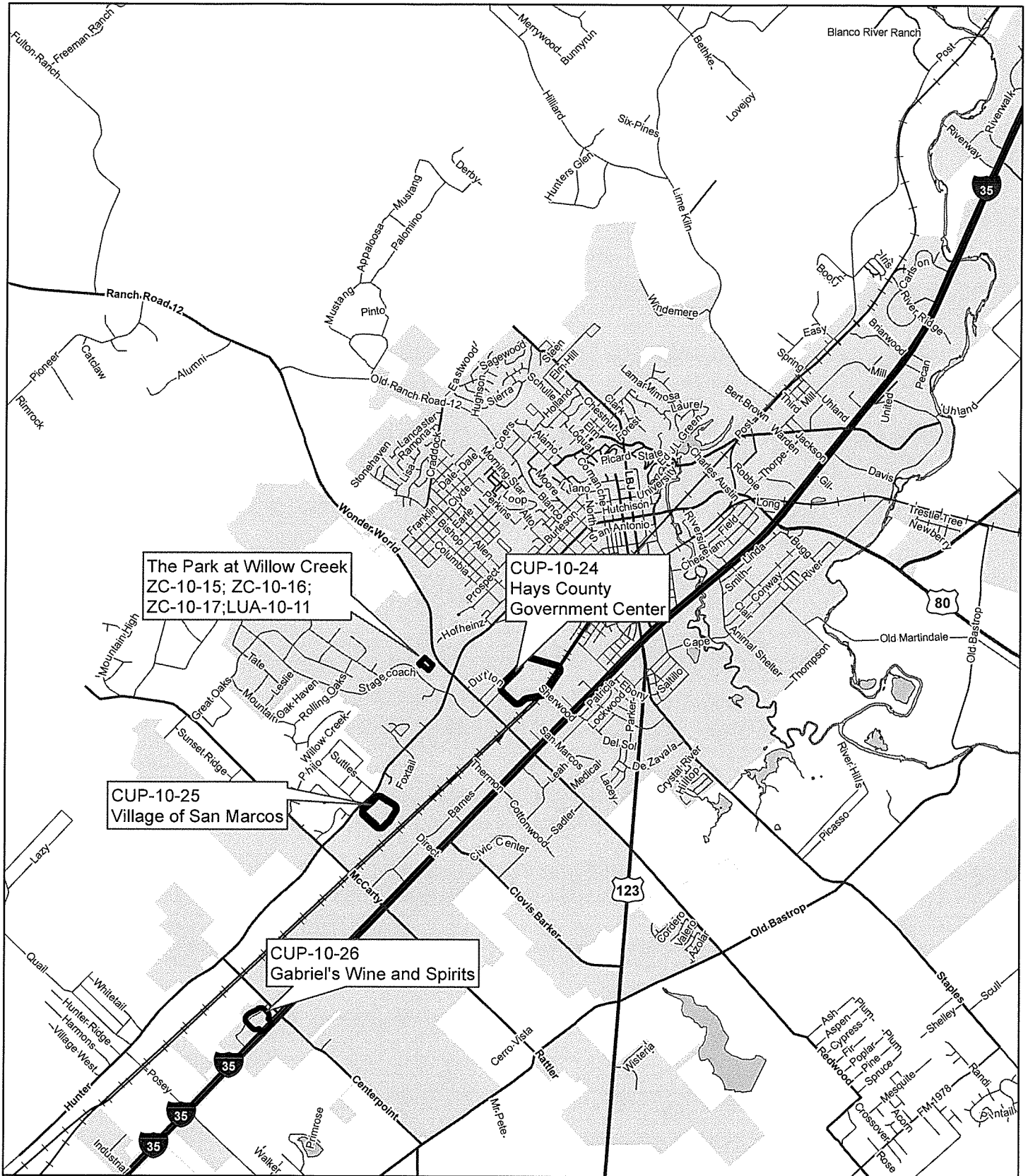
15. Consider approval of the minutes from the Regular Meeting on September 28, 2010.

16. Questions from the Press and Public.

17. Adjourn.

Notice of Assistance at the Public Meetings:

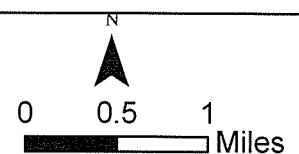
The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.

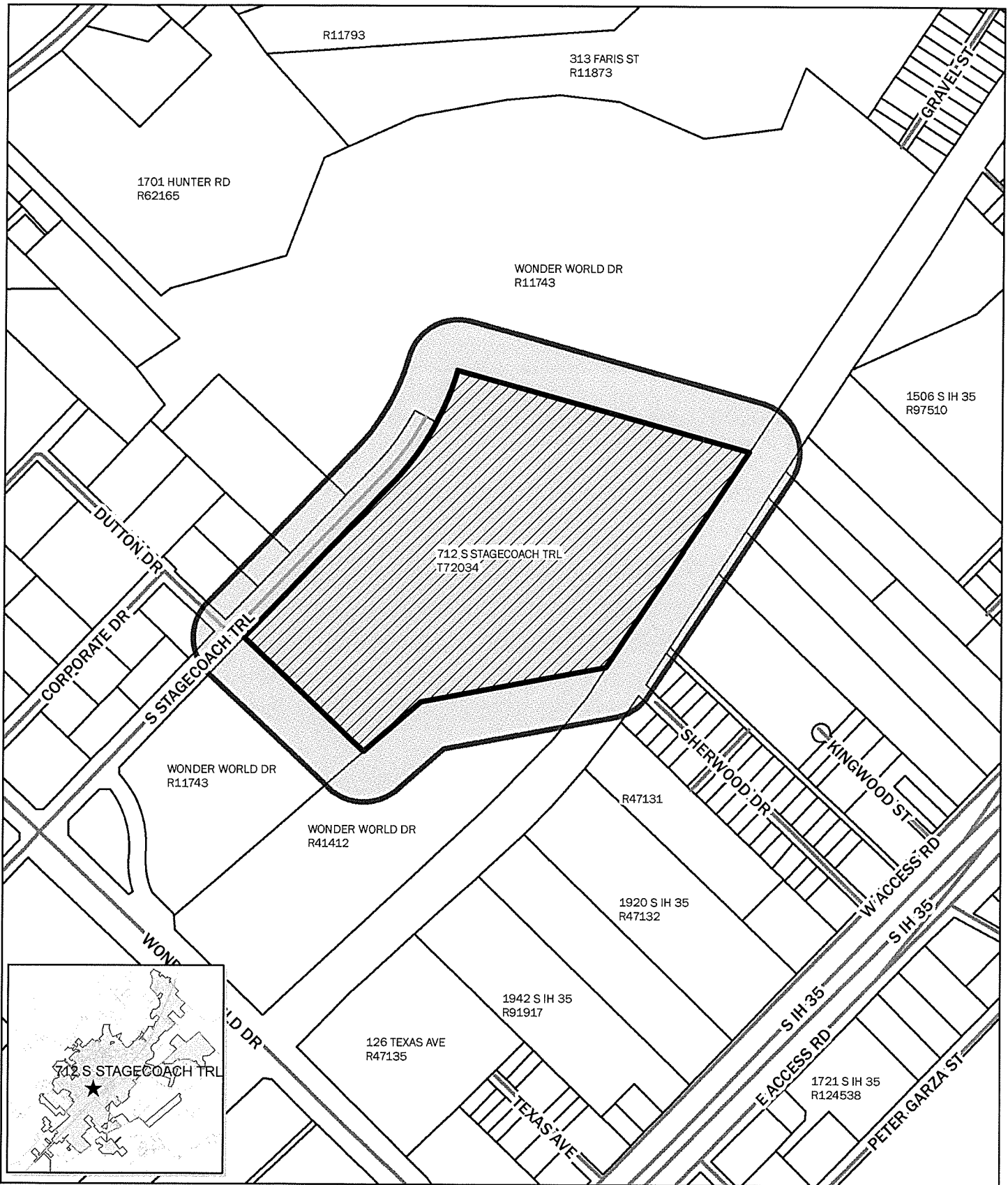


Location Map October 26, 2010


City of San Marcos
Development Services-Planning

Created By: John Foreman
Date: October 22, 2010
Map is not of survey quality. No warranty
is assumed or implied.

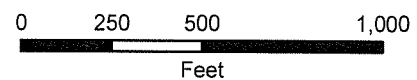




CUP-10-24
712 Stagecoach Trail •
Map Date: 10/15/10

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



**Conditional Use Permit
CUP-10-24
Hays County Government Center
712 S. Stagecoach Trail**



Applicant Information:

Applicant: Hays County
111 E San Antonio St
San Marcos TX 78666

Property Owner: Hays County
111 E San Antonio St
San Marcos TX 78666

Applicant Request: A Conditional Use Permit (CUP) to allow the use of metal as a façade material

Notification: Public hearing notification mailed on October 15, 2010.

Response: None as of October 19, 2010

Subject Property:

Location: 712 S. Stagecoach Trail

Legal Description: Lot 2A, Block C, Final Plat Hays County Government Center

Frontage On: Stagecoach Trail

Neighborhood: None

Existing Zoning: LI – Light Industrial

Master Plan Land Use: Mixed Use

Sector: Sector 1

Existing Utilities: Adequate

Existing Use of Property: County government facility (under construction)

Proposed Use of Property: County government facility

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	FD	Vacant
S of Property	LI	Vacant
E of Property	HI/HC/GC/SF-6	Railroad/Various
W of Property	GC	Vacant

Code Requirements:

A conditional use permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Section 4.4.2.1 of the Land Development Code (LDC) discusses exterior material requirements for buildings. It further states that materials will be listed as permitted by right or by CUP in the Technical Manual. The Technical Manual states metal sheet siding (in any amount) is required to have a CUP.

Case Summary

The subject property is located just south of Purgatory Creek and the Heritage Neighborhoods. The applicant is requesting a Conditional Use Permit to use metal siding to screen rooftop mechanical equipment on the new Hays County Government Center. The building will consist of a brick façade and aluminum storefront and features a prominent rotunda with a standing seam metal roof over cast stone columns. The applicant has provided elevations of the proposed building.

Comments from Other Departments:

Building, Police, Engineering, Fire, Environmental Health, and Code Enforcement have reported no major concerns regarding the subject property.

Planning Department Analysis:

The intent of section 4.4.2.1 of the LDC is to ensure aesthetic value and visual appeal. In the past year, P&Z has approved metal as an exterior building material for three car dealerships, a self-storage facility, and the Aquarena Plaza shopping center. In each case, the metal was used as an architectural design feature. The proposed metal siding is six feet tall and is located behind the parapet in various places. Because they are located twenty to thirty feet behind the parapet in all locations, the screening walls will be minimally visible.

The Sector 1 Plan includes goals to encourage high quality, attractive development along Hunter Road and Wonderworld Drive while preserving and enhancing the visual character of the area. Staff feels that the proposed design effectively screens the mechanical equipment without creating an industrial appearance, which meets the goals of both the LDC and the Sector 1 Plan. Staff does not believe the use of metal in this case will have any detrimental effect on neighboring properties or the appearance of the Hunter Road or Wonderworld Drive gateway.

Staff recommends approval of the Conditional Use Permit to allow metal siding as screening for the Hays County Government Center at 712 S. Stagecoach Trail.

Planning Department Recommendation:	
X	Approve as submitted
	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

John Foreman

Planner

October 19, 2010

Name

Title

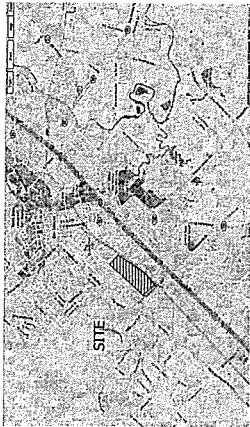
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HDR

HDR ARCHITECTURE, INC.

Balfour Beatty
Construction

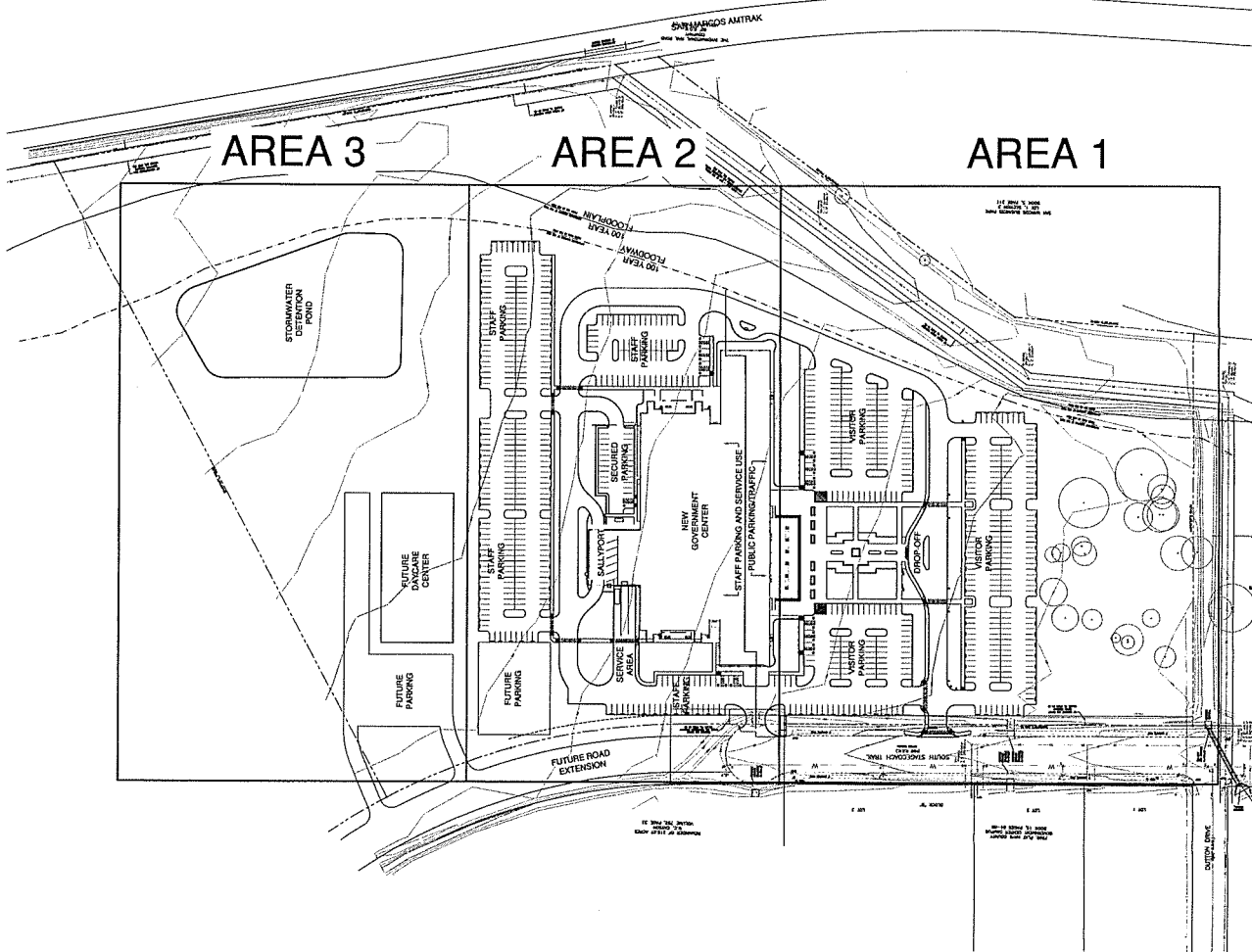
Hays County
Government Center
San Marcos, TX



VICINITY MAP
(NOT TO SCALE)

PARKING SUMMARY:

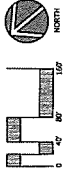
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STAFF - 352 SPACES
SECURED - 26 SPACES
TOTAL - 778 SPACES



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**SITE
ORIENTATION
PLAN**



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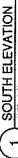
FILED: 10/10/2023



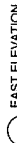
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HQR Architecture, Inc.; Corporate License No. F-318
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8.5.14 Jordan 1481, Dallas, TX 75248-1232

PROJECT FOR

San Marcos, TX
Hays County
Government Center



1987-1988



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231	10-16-2017					

BUILDING
ELEVATIONS

SCALE	100 = 1.5
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A-201

100% CD

NOTES:

1. _____ TO DENOTE BRICK EXPANSION JOINT.
2. SEE SHEET A-372 FOR CAST STONE JOINING DETAILS.

Key Value	Keycode	Keycode Text
40	BRICK MASONRY	
42	ALUMINUM COMPOSITE MATERIAL (ACM) SYSTEM	
43	PREFORMED METAL SIDING	
47	CAST STONE	
50	KNOX BOX	
51	STEEL MESH GATE	
57	STANDING SEAM METAL ROOFING	
60	HOLLOW METAL DOOR	
61	DIAPHRAGM CURING DOOR	
62	DIAPHRAGM CURING DOOR	
84	CURTAIN WALL SYSTEMS (CWS)	
86	DOOR/UNIT SPLIT	

HDR

HDR Architecture, Inc.

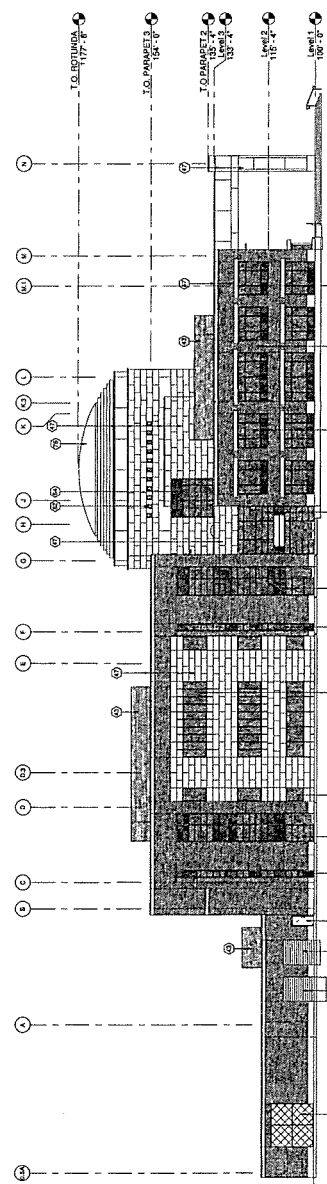
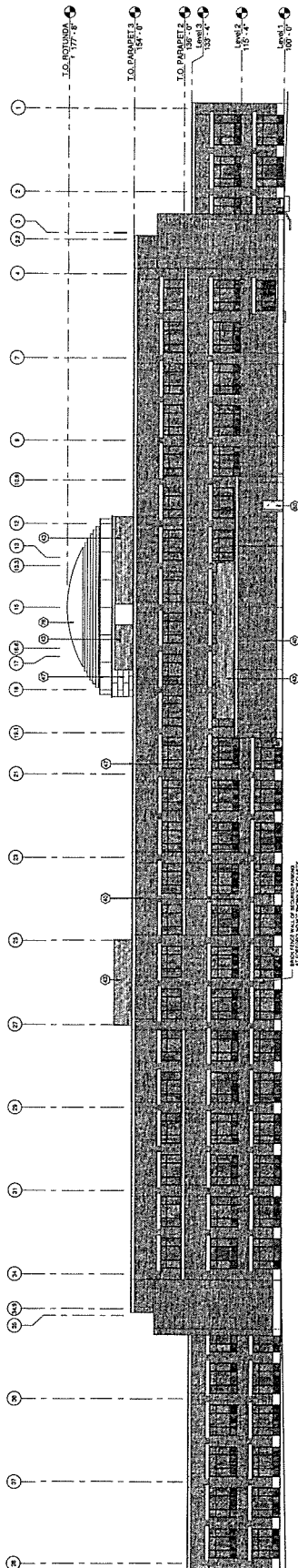
7711 FARMER BLVD., 300 E. DALLAS, TX 75219-3222 (214) 800-0000
1000 WEST 19TH AVENUE, SUITE 1000, DENVER, CO 80202 (303) 733-1100
1000 N. 17TH AVENUE, SUITE 1000, DENVER, CO 80202 (303) 733-1100
1000 N. 17TH AVENUE, SUITE 1000, DENVER, CO 80202 (303) 733-1100

Balfour Beatty
Construction

San Marcos, TX
Hays County
Government Center



1 NORTH ELEVATION
1/8" = 1'-0"



2 WEST ELEVATION
1/8" = 1'-0"

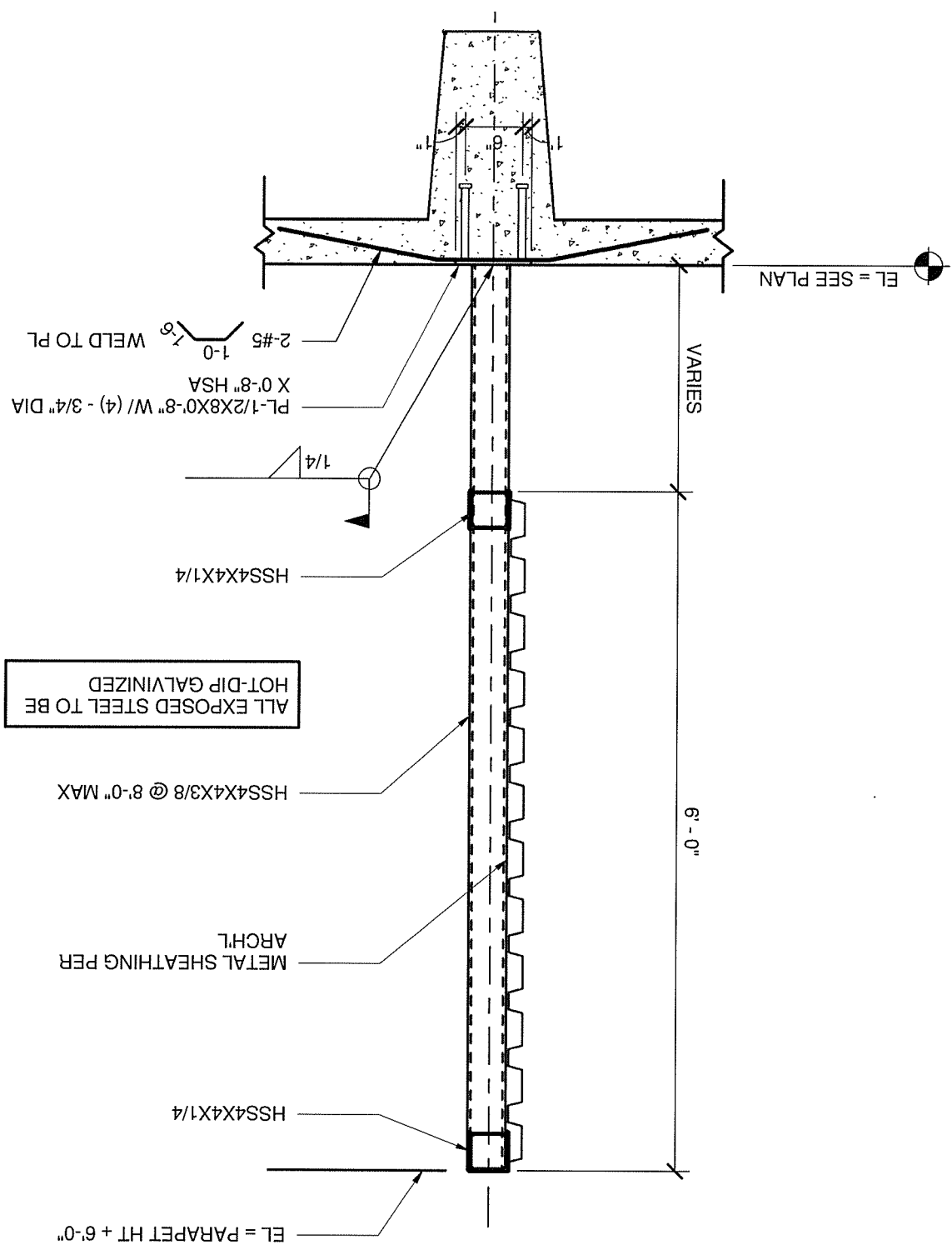
NOTE
1. SEE ARCHITECT'S BOOK FOR MORE DETAILS
2. SEE ARCHITECT'S BOOK FOR MORE DETAILS

Key Value	Keynote Legend
40	BRICK MASONRY
41	ALUMINUM COMPOSITE MATERIAL (ACM) SYSTEM
42	PREFORMED METAL SIDING
43	ALUMINUM SIDING
44	STEEL MESH GATE
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BUILDING
ELEVATIONS

A-202

100% CD

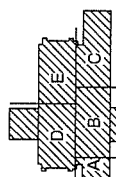




HCM Architects, Inc., Corporate License No. F-216
Address in New York: HCM Architects, Inc. [Attn: Legal Department]
8104 Rockville Pike, Suite 1000, Rockville, MD 20850

**Balfour Beatty
Construction**

San Marcos, TX
Hays County
Government Center

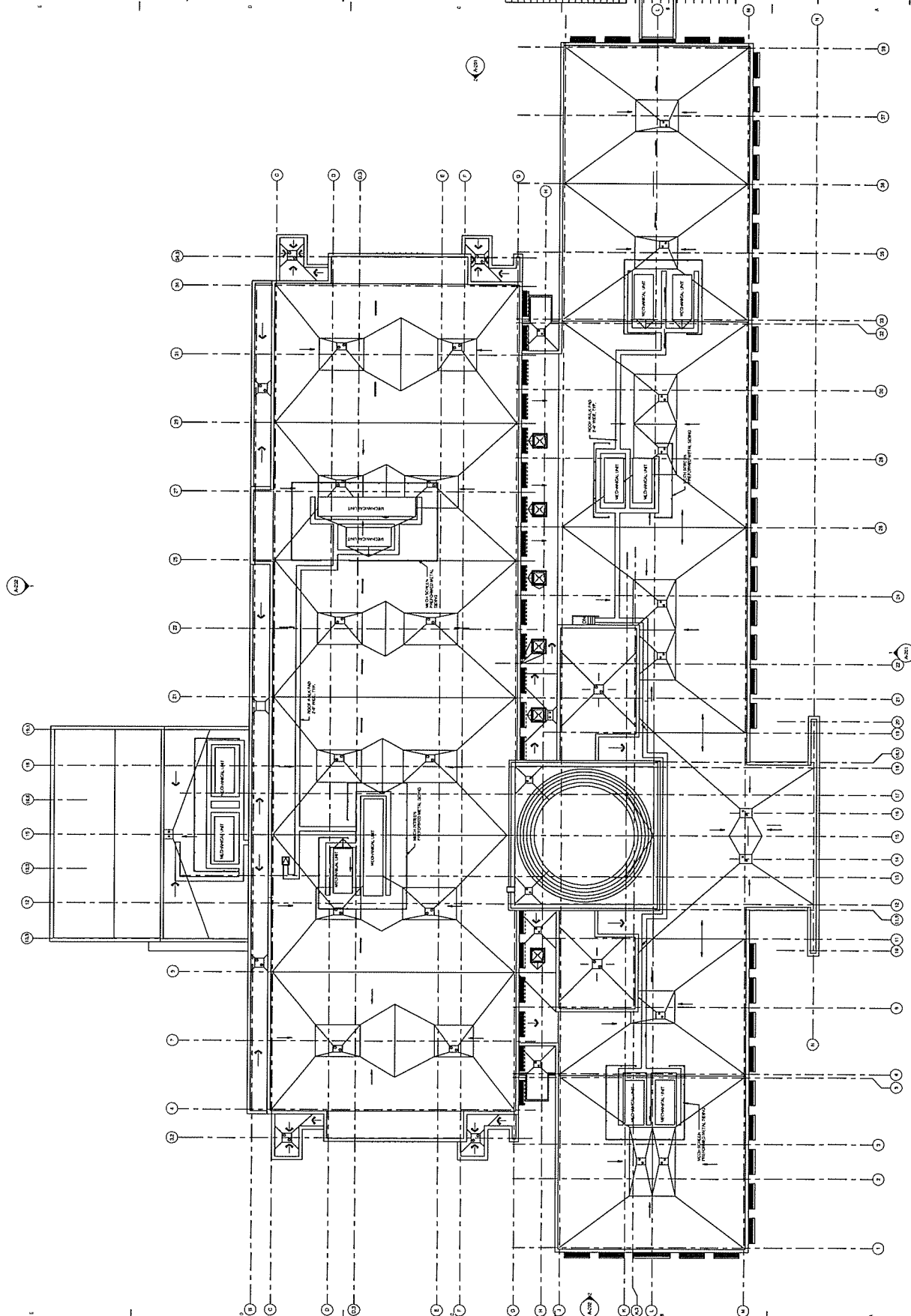
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ROOF PLAN

1981-1982

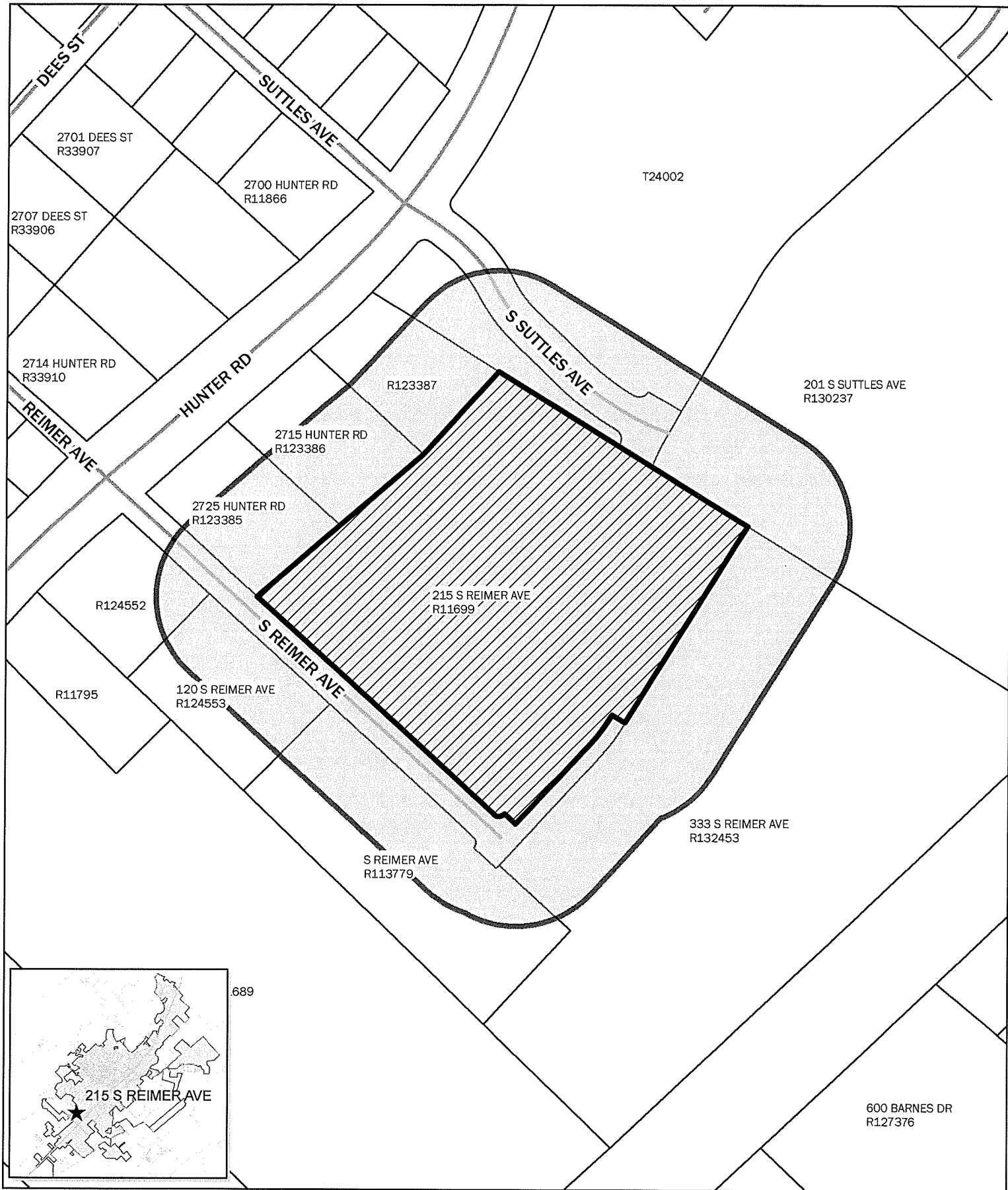
A-104

100% CD



A1 Roof Plan


A1 Roof Plan




CUP-10-25

215 S Reimer Ave

Map Date: 10/14/10

 Notification Buffer
(200 feet)

 Site Location

 Historic District

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.

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Feet



CUP-10-25
Conditional Use Permit
Amy Ledbetter Parham
215 South Reimer Ave



Applicant Information:

Applicant: Amy Ledbetter Parham
P.O. Box 1136
Buda, TX 78610

Property Owner: Village of San Marcos
P.O. Box 748
San Marcos, TX 78667

Applicant Request: A Conditional Use Permit (CUP) to allow a professional office for area non-profit organizations to be located within the **Public (P)** Zoning District

Notification: Public hearing notification mailed October 16, 2010.

Response: None

Subject Property:

Location: 215 S Reimer Ave

Legal Description: A0017-1 JUAN M VERAMENDI SURVEY #1, ACRES 6.041

Frontage On: S Reimer Ave (Minor Arterial)

Neighborhood: None

Existing Zoning: P (Public)

Master Plan Land Use: Public and Institutional

Sector: Sector 4

Existing Utilities: Adequate for proposed use of an office

Existing Use of Property: Vacant

Proposed Use of Property: Professional Offices

Zoning and Land Use
Pattern:

	Current Zoning	Existing Land Use
N of Property	MU/GC	Vacant
S of Property	GC	Vacant
E of Property	GC	School Bus Depot
W of Property	FD	Sports Complex

Code Requirements:

A conditional use permit allows the establishment of uses/structures which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location.

Planning Department Analysis:

The applicant is seeking a conditional use permit to allow a professional office for area non-profit organizations to be located within the **Public (P)** Zoning District at 215 South Reimer Ave. The Village Campus site is 29 acres and will be constructed in three phases. The first phase is already complete and houses the CFPO (Christian Federation of Police Officers) - Pals Youth Sports. The second phase is the proposed Village Main Building and will house Community Action, Inc, Early Childhood Intervention, San Marcos – Hays County Family Justice Center, and WIC-Women, Infants and Children - San Marcos. The third phase is the proposed development of the Hays County Food Bank distribution center and warehouse. The property where the second phase of The Village is planned is currently undeveloped.

The Village Campus is intended to bring many local non-profit organizations together to benefit their users. This concentration of services allows for a reduction in transportation costs and travel time for its clients.

The Public (P) zoning district is most appropriate for this mix of public service and office uses. Instead of seeking a complete rezoning, the proposed CUP will offer flexibility to house both office space and non-profit services within the campus. The P, Public and Institutional District is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities, state colleges and universities. While the development standards slightly differ between the two zoning categories, the proposed development meets the purpose of the Public zoning district.

The request appears consistent with the character of the area and the future land use designation for the property. The proposed offices do not appear to significantly increase traffic in the area, but may reduce overall trips for its users by providing many services in one location.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit

Planning Department Recommendation:	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative
<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a

decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- The proposed use at the specified location is consistent with the policies embodied in the adopted Master Plan;
- The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods;
- The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;
- The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets;
- The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and
- The proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining development and the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

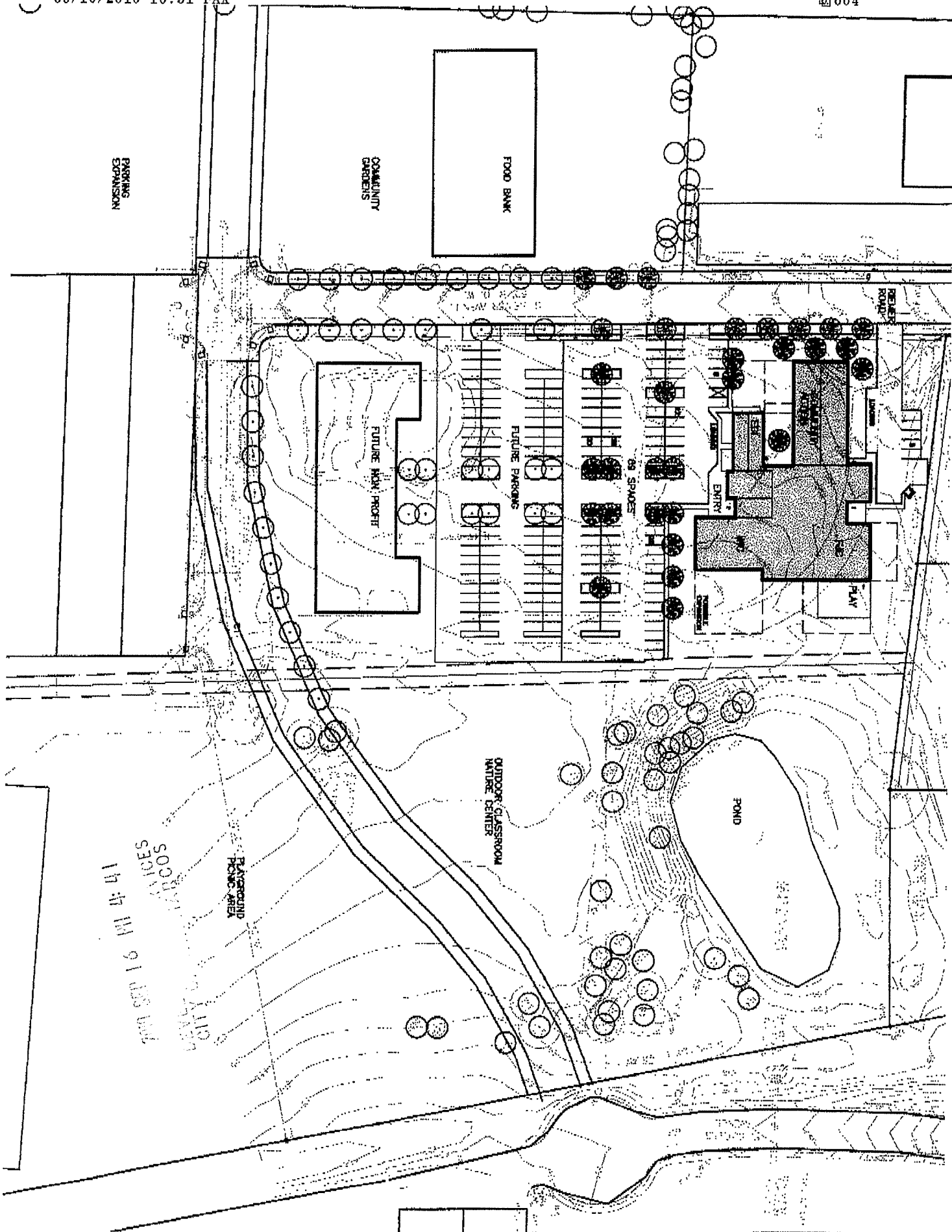
Attachments:

Location map	Application
Site Plan	Photos
Notification Letter	Notification List

Prepared by:

Adam Johnson	Intern	10/18/10
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Name	Title	Date
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The Village Campus

THE VILLAGE - W

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COORDINATING RES
BENEFIT
SAN MARCOS/I

[HOME](#)

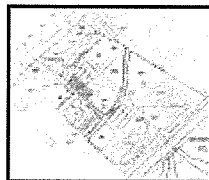
[CFPO-PAL
YOUTH SPORTS](#)

[VILLAGE MAIN
BUILDING](#)

[HAYS COUNTY
FOOD BANK](#)

[ABOUT](#)

Welcome to The Village



The Village Campus is a 29-acre site, South Reimer Avenue in San Marcos, many major social service organizations together, the Village agencies can red comprehensive services to people in n

The Village Campus will be constructed in three phase completed, is home to the CFPO-PALS YOUTH SPO
VILLAGE MAIN BUILDING which is in developmer

agencies, while Phase Three will see the construction of
AREA FOOD BANK.

CFPO-Police Athletic League and Sports Complex -

Community Action, Inc (Village Main Building)

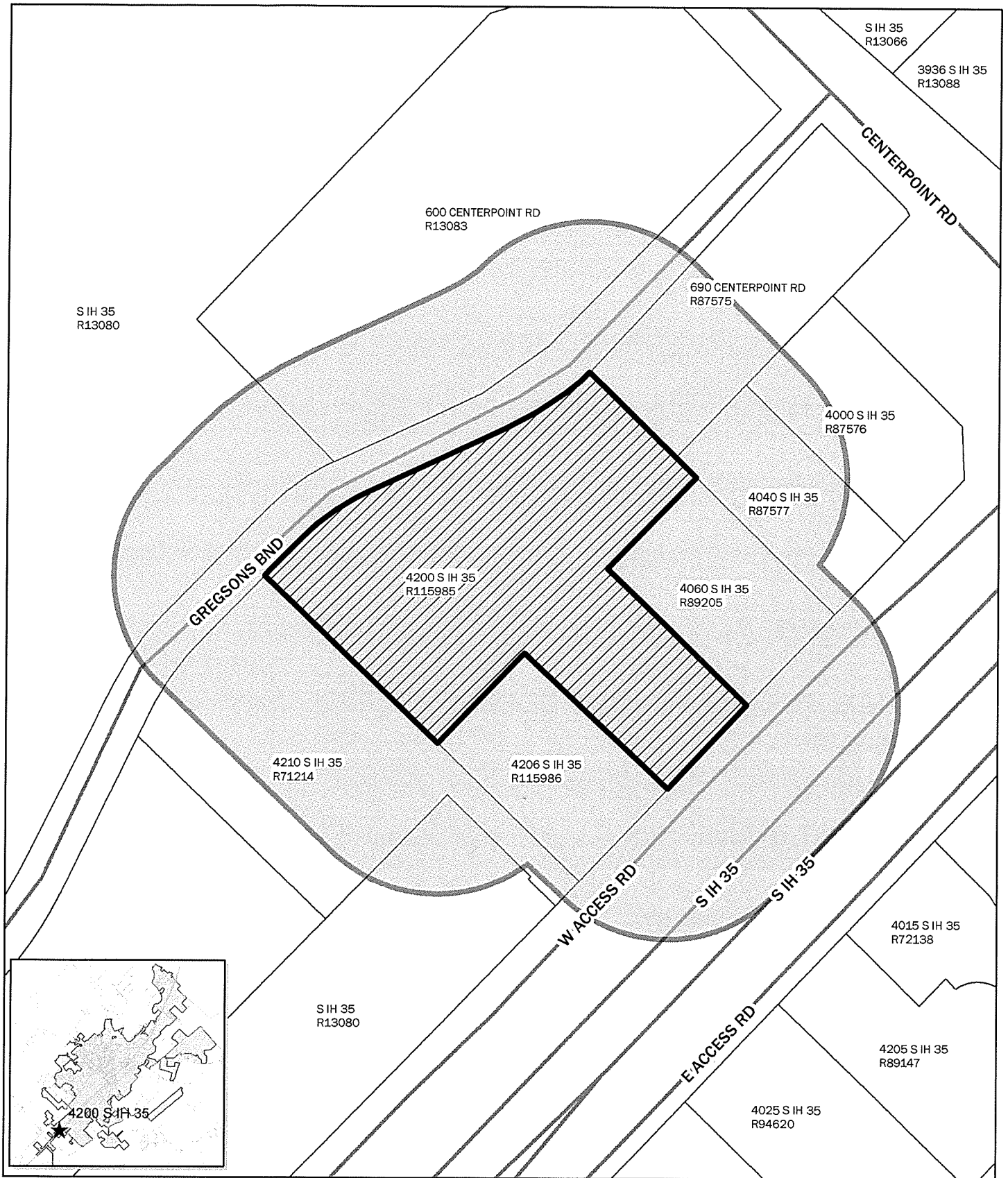
Early Childhood Intervention - Homespun (Village Main Building)

San Marcos - Hays County Family Justice Center (Village Main Building)

WIC - Women, Infants and Children - San Marcos (Village Main Building)




Hays County Area Food Bank (Phase Three)

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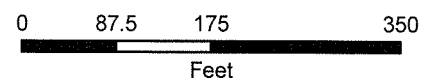


CUP-10-26
4200 S IH-35

Map Date: 9/27/10

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

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**Conditional Use Permit
CUP-10-26
Gabriel's Wine and Spirits
4200 S. IH 35 #100**



Applicant Information:

Applicant: Gabriel GP, INC
10903 Industry Drive
San Antonio TX 78217

Property Owner: San Marcos Partners, Ltd
10903 Industry Drive
San Antonio TX 78217

Applicant Request: Renewal of a Conditional Use Permit (CUP) to allow on-premise consumption of mixed alcoholic beverages.

Notification: Public hearing notification mailed on October 15, 2010.

Response: None as of October 19, 2010

Subject Property:

Location: 4200 S. IH 35 #100

Legal Description: Lowman Ranch Subdivision Sec 1, Lot 1D, Acres 4.0

Frontage On: IH 35

Neighborhood: None

Existing Zoning: GC- General Commercial

Master Plan Land Use: Commercial

Sector: Sector 4

Existing Utilities: Adequate

Existing Use of Property: Package liquor sales/tasting

Proposed Use of Property: Package liquor sales/tasting

Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	GC	Commercial
S of Property	GC	Commercial
E of Property	-	IH 35
W of Property	GC	Commercial

Code Requirements:

A conditional use permit (CUP) allows the establishment of uses which may be suitable only in certain locations or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are generally compatible with permitted uses, but require individual review and imposition of conditions in order to ensure the appropriateness of the use at a particular location. A business applying for on-premise consumption of alcohol must not be within 300 feet of a church, school, hospital, or a residence located in a low density residential zoning district. This location **does** meet the distance requirements.

CUPs issued for on-premise consumption of alcohol make the business subject to the code standards and the penalty point system for violations (Section 4.3.4.2). This location is outside the CBA, and is not subject to the additional requirements in the CBA.

Case Summary

Gabriel's is a package liquor store that does in-store tastings of wine and liquor. The Planning and Zoning Commission first granted a CUP at this location on November 27, 2006. Because this CUP expired, the Planning and Zoning Commission approved a new CUP in September 2009 for one year. This is a request for renewal. No changes are proposed to the site or the building. Hours are 10AM to 9PM No amplified music is proposed.

Comments from Other Departments:

Building, Police, Engineering, Fire, Environmental Health, and Code Enforcement have reported no major concerns regarding the subject property.

Planning Department Analysis:

In order to monitor new permits for on-premise consumption of alcohol, the Planning Department's standard recommendation is that they be approved initially for a limited time period. Other new conditional use permits have been approved as follows:

- Initial approval for 1 year;
- Renewal for 3 years;
- Final approval for the life of the State TABC license, provided standards are met.

Staff provides this request to the Commission for your consideration and recommends approval of the Conditional Use Permit with the following condition:

1. The CUP shall be valid for three (3) years, provided standards are met, subject to the point system.

Planning Department Recommendation:	
	Approve as submitted
X	Approve with conditions or revisions as noted
	Alternative
	Denial

The Commission's Responsibility:

The Commission is required to hold a public hearing and receive comments regarding the proposed Conditional Use Permit. After considering public input, the Commission is charged with making a decision on the Permit. Commission approval is discretionary. The applicant, or any other aggrieved person, may submit a written appeal of the decision to the Planning Department within 10 working days of notification of the Commission's action, and the appeal shall be heard by the City Council.

The Commission's decision is discretionary. In evaluating the impact of the proposed conditional use on surrounding properties, the Commission should consider the extent to which the use:

- is consistent with the policies of the Master Plan and the general intent of the zoning district;
- is compatible with the character and integrity of adjacent developments and neighborhoods;
- includes improvements to mitigate development-related adverse impacts; and
- does not generate pedestrian or vehicular traffic which is hazardous or conflicts with existing traffic in the neighborhood.

Conditions may be attached to the CUP that the Commission deems necessary to mitigate adverse effects of the proposed use and to carry out the intent of the Code.

Prepared by:

John Foreman

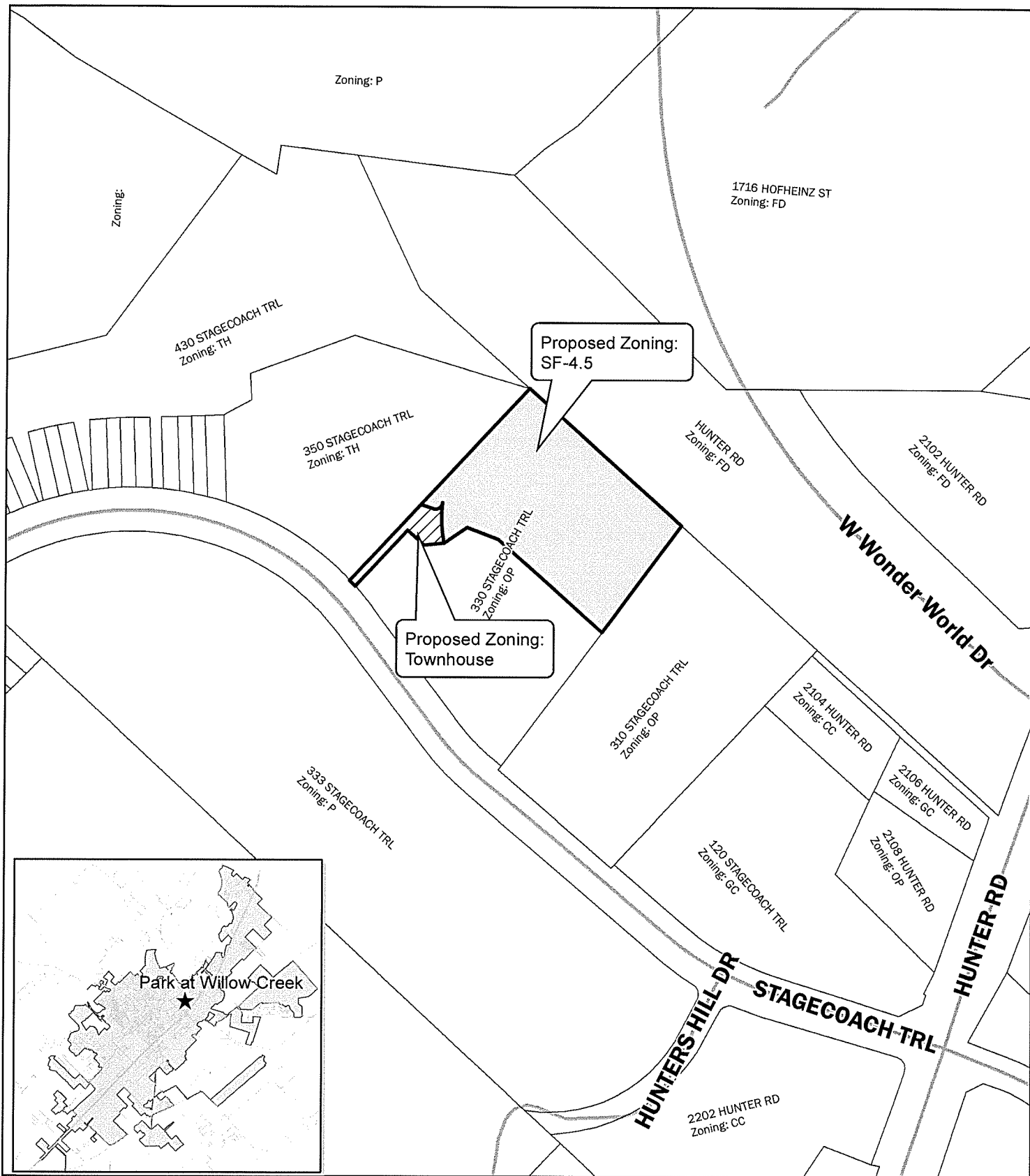
Planner

October 19, 2010



Name

Title

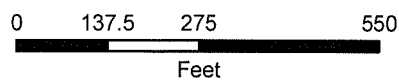
Date



**Zoning Changes and
Land Use Map Amendment
Park at Willow Creek
330 Stagecoach Trail
Map Date: 10/15/10**

-  ZC-10-15/LUA-10-11
-  ZC-10-16/LUA-10-11

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



**Land Use Map Amendment
LUA-10-11
330 Stagecoach
The Park at Willow Creek**



Summary:

The applicant is requesting a Land use Map Amendment from Commercial to Medium Density Residential on a 3.41 acre parcel of land located at 330 Stagecoach Trail.

Applicant:

Joel Richardson, P.E.
4303 Russell Drive
Austin TX 78704

Property Owner:

Robert W. McDonald III
2110A Boca Raton, Ste 201
Austin TX 78747

Notification:

Personal notifications of the public hearing were mailed on October 15, 2010 to all property owners within 200 feet of subject property.

Response:

None as of October 19, 2010

Subject Property:

Location:

330 Stagecoach Trail

Legal Description:

Lot 35, The Park at Willow Creek

Sector:

Sector 9

Current Zoning:

Office Professional

Proposed Zoning:

Single Family (SF-4.5) and Townhouse (TH)

**Current Future Land
Use Map Designation:**

Commercial

**Proposed Future Land
Use Map Designation:**

Medium Density Residential (MDR)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	FD- Future Development	Vacant
S of Property	P- Public and Institutional	School
E of Property	Office Professional	Stagecoach Professional Center
W of Property	Townhouse	Vacant

Project Analysis:

The subject property is located in the southwest quadrant of San Marcos on the north side of Stagecoach Trail, approximately 1,600 feet northwest of the intersection of Stagecoach Trail and Hunter Road. This request is proceeding concurrently with a two zoning changes, from Office Professional to Single Family and Townhouse.

Medium Density Residential (MDR) land uses are characterized by a variety of housing types with a density between six and twelve units per acre. The subject property is adjacent to Medium Density Residential property to the west that is zoned for townhouses. The subject property will have vehicular access to Stagecoach Trail and will receive City water and wastewater service.

Planning Department Analysis:

Staff has evaluated the request for consistency with the Horizons Master Plan. There is no Sector 9 plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan.</p> <p><i>Comment: The subject property is part of a larger transition zone between the commercial area at the intersection of Hunter and Stagecoach and the low-density Willow Creek subdivision and open space to the west. The request is for a change in the location of the current boundary between the Commercial area to the east and the Medium Density area to the west. This is consistent with the vision for this area in the Horizons Master Plan.</i></p>
X			<p>Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities.</p> <p><i>Comments: The area has adequate utility capacity.</i></p>
X			<p>Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations.</p> <p><i>Comment: The proposed change provides area for townhouses, a relatively scarce product in San Marcos, along with additional area for smaller single family lots.</i></p>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			<p>Policy LU-3.5: The City shall encourage community-based elementary schools and parks which are located centrally and within walking distance of any section of a neighborhood.</p> <p><i>Comment: The subject property is within walking distance to Hernandez Middle School and the Purgatory Creek greenspace.</i></p>
	X		<p>Policy LU-3.9: The City shall encourage very low density or cluster-type developments in the Edwards Aquifer Recharge Zone and shall develop appropriate standards for cluster-type development which will be adopted as part of the subdivision and zoning ordinances.</p> <p><i>Comment: See discussion on the recharge zone below.</i></p>
X			<p>Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas.</p> <p><i>Comment: The subject property has direct access to Stagecoach Trail, a street that has 80 feet of right of way that serves as a neighborhood collector street and is within 1,600 feet of a major arterial intersection. The low-density residential area to the west should not experience cut-through traffic because the points of connection to town and IH 35 are to the east.</i></p>
X			<p>Policy LU-6.11: The City shall discourage the zoning or commercial usage of land that has the potential of becoming undesirable strip commercial development, which is characterized by one or more of the following problems:</p> <ul style="list-style-type: none"> a. shallow lots, usually less than two hundred feet deep; b. numerous small ownerships; c. numerous curb cuts for entrances; d. numerous small buildings with no architectural unity; e. little or no landscaping in and around the parking lots; f. limited parking usually restricted to the front setback area or along the street; and/or g. the lack of landscape or other buffers, especially in the rear, with the adjacent residential areas exposed to blighting influences. <p><i>Comment: The reduced commercial area is still greater than two hundred feet and is still large enough to meet Land Development Code requirements for site design.</i></p>

The applicant's request is a reduction in the intensity of the Future Land Use but is still consistent with the overall vision for the area in the *Horizons Master Plan*. Staff is supportive of the request. However, there is one outstanding issue related to the location of the Edwards Aquifer Recharge Zone boundary.

On October 1, 2010, a Watershed Protection Plan Phase 1 was submitted to the Permit Center for the subject property with a proposed layout that would correspond to the requested Land Use Map Amendment and Zoning Changes. After a review by the Permit Center Manager, the location of the boundary line of the recharge zone is in question. Impervious cover is limited to 20% over the recharge zone. Should there be additional recharge area on the site, the impervious cover assumptions may need to be shifted thus affecting the layout of the boundary lines of the land use and zoning districts.

Since Land Use Districts and Zoning Districts boundary lines are location specific, should the land use layout change after the current requests have been approved there will be a need to repeat the process which will involve new applications, new application fees and new public hearings at both the Planning & Zoning Commission and City Council.

Development Services staff has recommended to the applicant and the property owner that these Land Use Map Amendment and Zoning change requests be delayed until the appropriate layout could be more

precisely determined. This would eliminate the need to resubmit should the boundary lines shift. The property owner has indicated that he wishes the cases move forward as submitted.

Planning Department Recommendation:	
<input type="checkbox"/>	Approve as submitted
<input checked="" type="checkbox"/>	Approve with revisions as noted
<input type="checkbox"/>	Alternative-Postpone
<input type="checkbox"/>	Denial

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

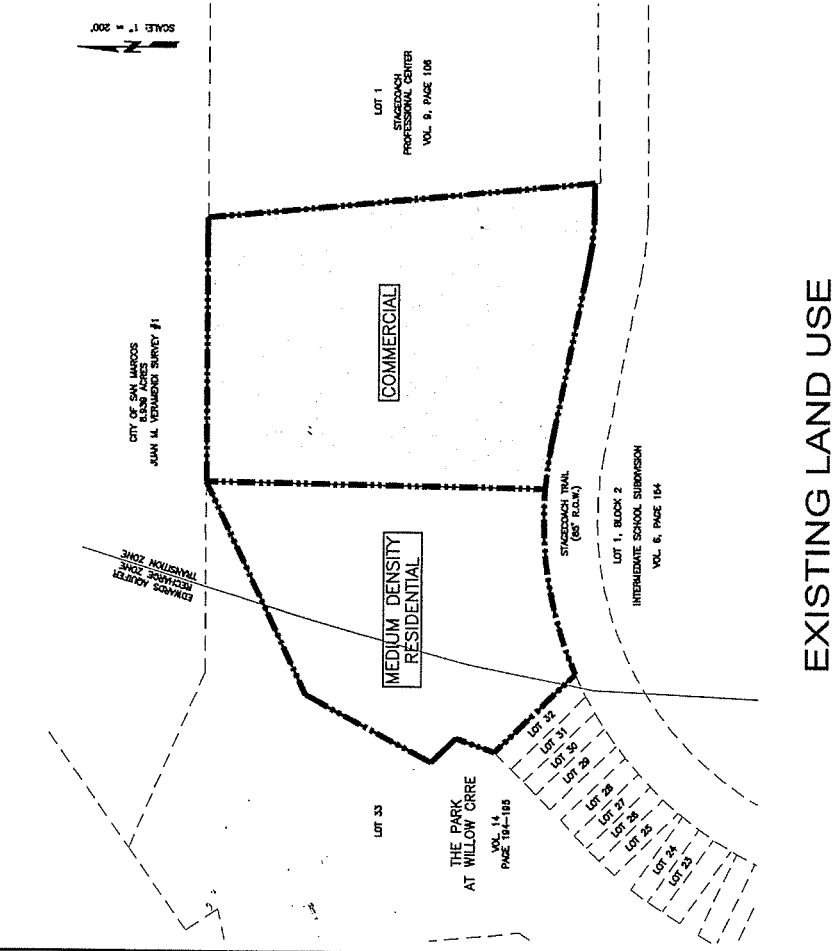
Prepared by:

John Foreman	Planner	October 20, 2010
Name	Title	Date

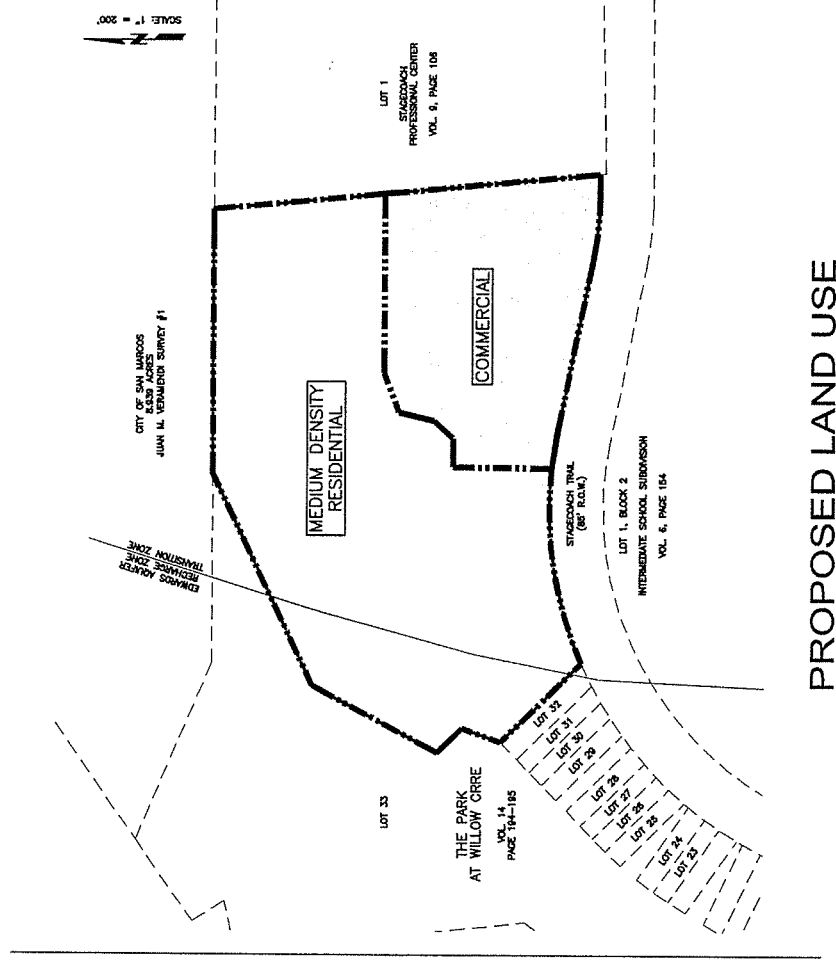
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CITY OF SAN MARCOS
JUAN M. VERMERO SURVEY #1

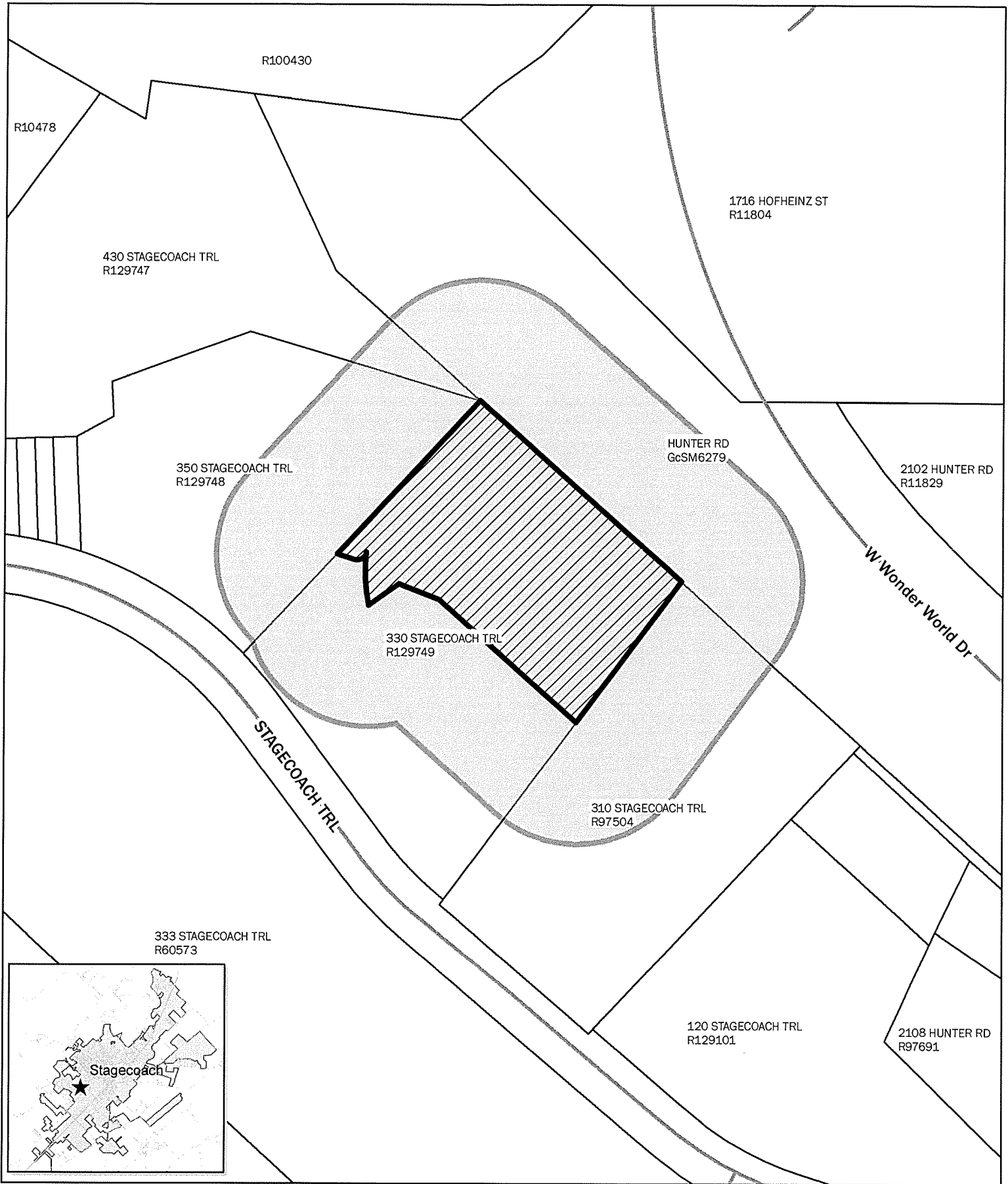
MASTER PLAN LAND USE MAP AMENDMENT EXHIBIT



EXISTING LAND USE




PROPOSED LAND USE



ZC-10-15

330 Stagecoach Trl

Map Date: 10/14/10

 Notification Buffer
(200 feet)

 Site Location

 Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



0 112.5 225 450
Feet

Zoning Change ZC-10-15 330 Stagecoach Trail



Summary:

The applicant is requesting a Zoning Change from OP (Office Professional District) to SF-4.5 (Single-Family District) on 3.22 acres out of Lot 35, The Park at Willow Creek located at 330 Stagecoach Trail.

Applicant:

Joel Richardson, P.E.
Vigil & Associates
4303 Russell Drive
Austin, TX 78704

Property Owner:

Robert W. McDonald III
2110 A Boca Raton, Suite 201
Austin, TX 78747

Notification:

Personal notifications of the Public hearing were mailed on October 15, 2010 to all property owners within 200 ft of subject property.

Response:

None as of date of report publication.

Subject Property:

Location:

330 Stagecoach Trail

Legal Description:

3.22 acres out of Lot 35, The Park at Willow Creek

Sector:

Nine (not adopted)

Current Zoning:

OP (Office Professional District)

Proposed Zoning:

SF-4.5 (Single-Family District)
Minimum Lot Size 4.500 Square Feet

Current Future Land Use Map Designation:

Commercial (C)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Future Development	Open Space
S of Property	Public & Institutional	Public School
E of Property	Office Professional	Commercial
W of Property	Townhouse	Undeveloped

Case Summary:

The subject property is located in the southwest quadrant of San Marcos; on the north side of Stagecoach Trail, approximately 1,600 feet northwest of the intersection of Stagecoach Trail and Hunter Road. This request is proceeding concurrently with a Land Use Map Amendment request from Commercial (C) to Medium Density Residential (MDR) for this property. The subject property is currently zoned OP (Office Professional District), the applicant is requesting the subject property to be rezoned SF-4.5 (Single-Family District) with the intent to replat this parcel along with a portion of the adjacent Lot 34 into 27 single-family residential lots.

Planning Department Analysis:

Subject property's immediate neighborhood consists of:

- The Park at Willow Creek subdivision (which contains the subject property).
This is a 35 lot subdivision, composed of:
 - 32 Townhome lots (zoned TH, Townhouse Residential District)
 - Lot 33, a 11.26 acre lot that is primarily drainage easements, P.U.E.s, a Sensitive Feature Protection Zone, a Buffer Zone, and an easement to Upper San Marcos Watershed Reclamation & Flood Control District (zoned TH, Townhouse Residential District)
 - Lot 34, a 4.67 acre development reserve lot (zoned TH, Townhouse Residential District)
 - Lot 35, a 6.79 acre development reserve lot (zoned OP, Office Professional District).
- The Maria Hernandez Middle School (located to the south and east of the subject property). This property is zoned P, Public and Institutional District.
- The Gardens of Willow Creek Subdivision (located to the south and east of the subject property).
 - This is a 29 residential subdivision, fully developed with Patio Homes, (zoned PH-ZL, Patio Home, Zero-Lot-Line Residential District).
- The Willow Creek Subdivision (located to the south of the subject property).
 - This is a large residential subdivision, composed of acreage single-family lots improved with large very good quality homes (zoned SF-R, Single-Family
- Open Space (located to the west of the subject property)
 - This is a large Green Belt owned by the City of San Marcos (zoned P, Public and Institutional District).
- Open Space (located to the north of the subject property)
 - This is a large Green Belt owned by the City of San Marcos (zoned FD, Future Development)
- The Stagecoach Professional Center subdivision (located to the west of the subject property)
This is a commercial subdivision improved with dental and medical offices (zoned OP, Office Professional)

Subject property is undeveloped property that is the rear 3.22 acres of Lot 35, The Park at Willow Creek subdivision. This parcel will have access to Stagecoach Trail after this lot and Lot 34 are replatted. Stagecoach Trail is the main traffic artery through Sector Nine and is defined as a Major Arterial. This divided median arterial has 80 feet of R-O-W and provides ingress and egress to the commercial development northwest of Hunter Road, to Maria Hernandez Middle School (located directly across Stagecoach Trail for the subject property), and to Willow Creek subdivision (a large, very low density residential development, composed of large, very good quality single-family detached homes on acreage home sites).

Sector Nine has no adopted plan. The boundaries of this Sector are Wonder World Drive (northeast); Railroad (southeast) and City Limits (southwest & northwest). Development patterns for Sector Nine range from large-lot residential development west of Hunter Road and scattered residential, commercial and industrial uses to the east of Hunter Road.

The existing zoning of the subject property is OP (Office Professional District). The purpose of OP, Office Professional zoning districts is to provide areas primarily for low intensity, small scale office uses and services facilities. This district should be compatible with residential uses and should incorporate established landscape and buffering requirements. Dimensional & Development Standards for the OP, Office Professional District includes:

- Maximum Lots per Acre:
 - 5 per gross acre
- Minimum Lot Area:
 - Interior Lot, 6,000 square feet Corner Lot, 7,500 square feet
- Minimum Lot Frontage:
 - Interior Lot, 50 feet Corner Lot, 60 feet
- Minimum Lot Depth:
 - 100 feet
- Maximum Impervious cover:
 - 80%
- Minimum Front yard set-back:
 - 20 feet
- Minimum Side yard set-back:
 - Interior, 5 Corner, 15
- Minimum Rear yard set-back:
 - 5 feet with 2 feet for each story above 24 feet, up to a maximum setback of 25 feet, there shall be no encroachment or overhangs into this required rear yard.

The proposed rezoning of the subject property is to SF-4.5 (Single-Family District). The purpose of SF-4.5, Single-Family zoning districts is for the development of primarily detached single-family residences and customary accessory uses on lots of at least 4,500 square feet in size. Dimensional and Development Standards for the SF-4.5, Single-Family Residential District includes:

- Maximum Units per acre:
 - 7.5 per gross acre
- Minimum Lot Area:
 - Interior Lot, 4,500 square feet Corner Lot 5,400 square feet
- Minimum Lot Frontage:
 - 35 feet
- Minimum Lot width:
 - Interior Lot, 50 feet Corner Lot , 60 feet
- Minimum lot depth:
 - 90 feet
- Maximum Impervious cover:
 - 60%
- Minimum Front yard set-back:
 - 20 feet
- Minimum Side yard set-back:
 - Interior, 5 feet Corner, 15 feet
- Minimum Rear yard set-back:
 - 20 feet

The Section 1.5.1.5 of the Land Development Code establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;
X		Whether the proposed zoning map amendment is consistent with a development agreement in effect; <i>Comments: No development agreements are in effect for this property.</i>
X		Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified:
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; <i>Comments: The change will have no negative effects on public facilities and services.</i>
X		Other factors which substantially affect the public health, safety, morals, or general welfare <i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i>

Based on the criteria above, the applicant's request is consistent with adopted policies and plans of the city regarding development in this area. The request is reasonable based on the following:

- The proposed use of medium density single-family homes is a good transitional use between the very low density single-family development of Willow Creek to the northwest and the proposed small scale office use on the front portion of Lot 35 and the adjacent existing commercial property to the southeast.
- This residential development will be less than one half mile for schools, medical services, restaurants and retail facilities – promoting a walkable environment.
- This request is down zoning – moving from a more intensive land to a less intensive use.

Staff recommends approval of the zoning change request.

Planning Department Recommendation:	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative-Public Hearing only
<input type="checkbox"/>	Denial

Factors to be aware of and consider:

On September 10, 2010, Joel Richardson, P.E., acting as agent for Robert W. McDonald III, submitted a Land Use Map Amendment application and a Zoning change request application concerning Lots 34 & 35, The Park at Willow Creek. After review by the staff the applications were declared incomplete. On September 23, revised applications were submitted and on September 28th the applications were declared complete. The Development Services-Planning Staff began processing the submitted applications and placed the Land Use Map Amendment case and the three Zoning Change request cases on the agenda for the October 26th Planning & Zoning Commission regular meeting.

On October 1, 2010, a Watershed Protection Plan Phase 1 (WPP1) was submitted to the Permit Center for proposed replat of Lots 34 & 35, The Park at Willow Creek reflecting the proposed lot layout that would correspond to the requested Land Use Map Amendment and Zoning Changes. After a review, by Permit Center Manager, the location of the boundary line of the recharge zone is in question and the impervious cover assumptions may need to be shifted thus affecting the layout of the lots. More work needs to be done (as a group by City staff and Developer's team) to achieve the ultimate best layout of the subdivision.

Since Land Use Districts and Zoning Districts boundary lines are location specific. Should the lot layout change after the current request have been approved there will be a need to repeat the process which will involve new applications, new application fees and new public hearings at both the Planning & Zoning Commission and City Council.

The Development Services staff has recommended to the applicant and the property owner that the Land Use Map Amendment case and the Zoning change request cases be delayed until the appropriate lot layout could be more precisely determine. That would likely result in the most efficient and timely process overall. The property owner has indicated that he wishes the cases move forward as submitted.

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

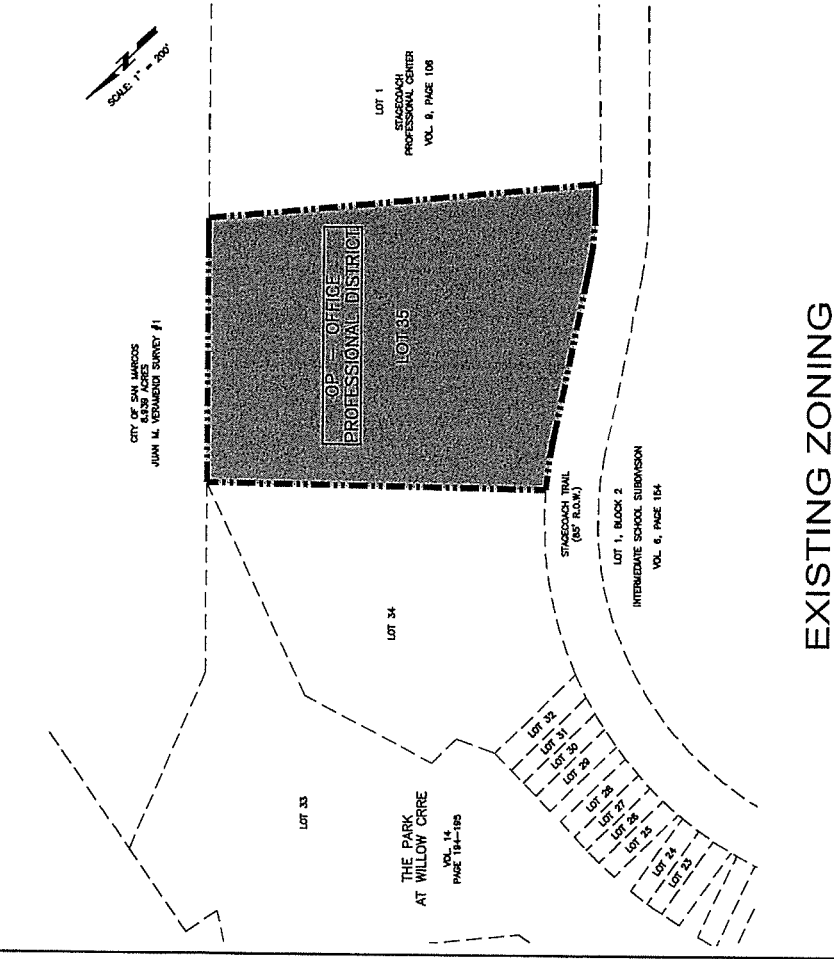
Phil Steed	Planner	October 20, 2010
Name	Title	Date

THE PARK AT WILLOW CREEK

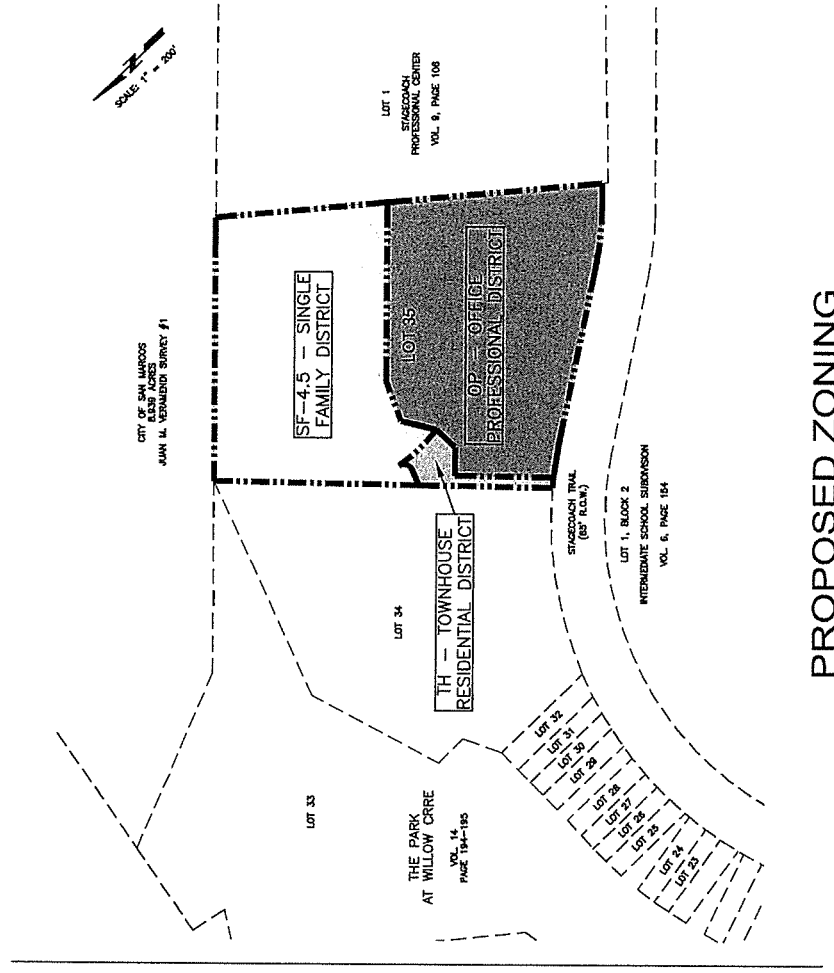
LOT 35

ZONING CHANGE EXHIBIT

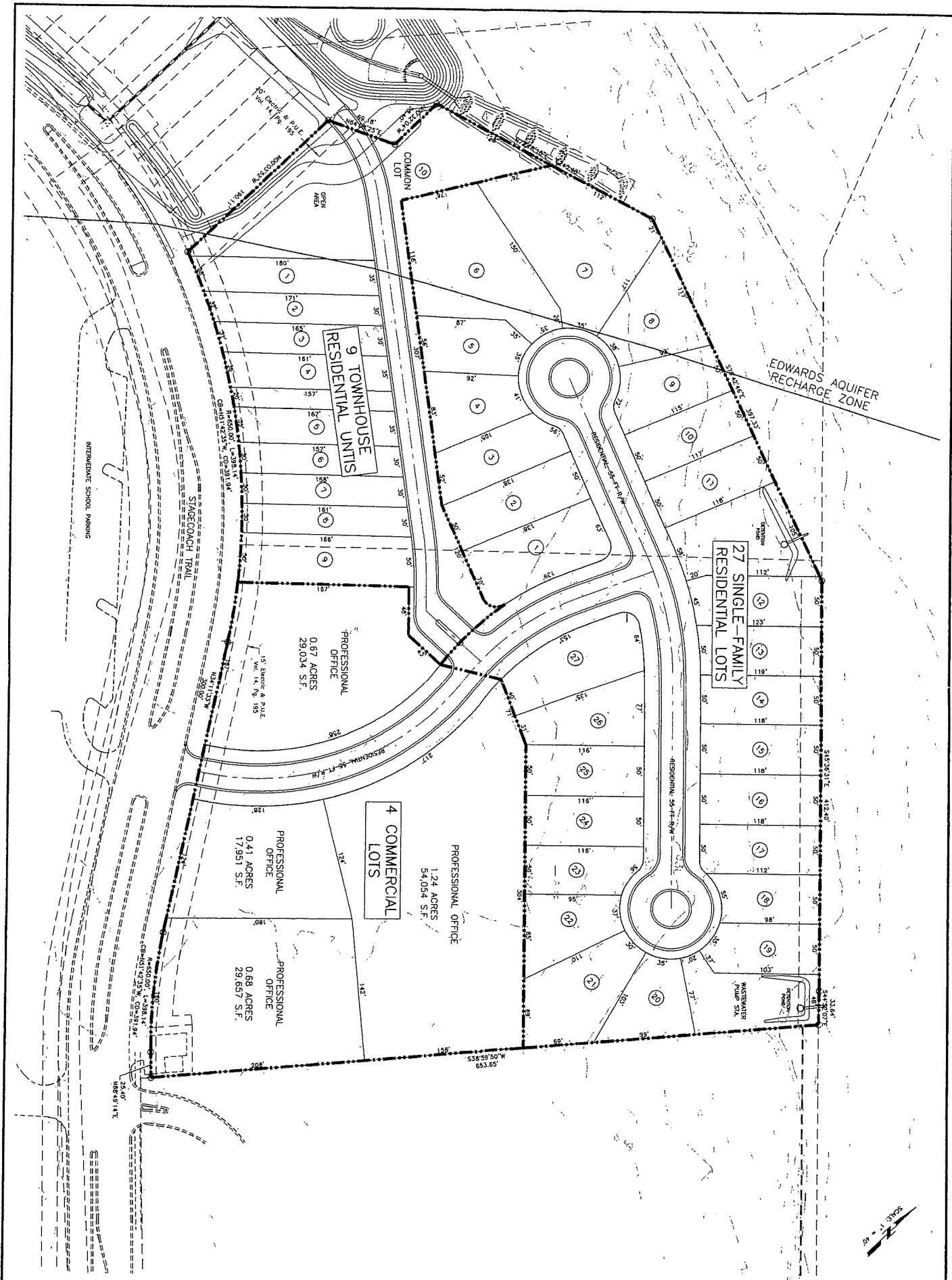
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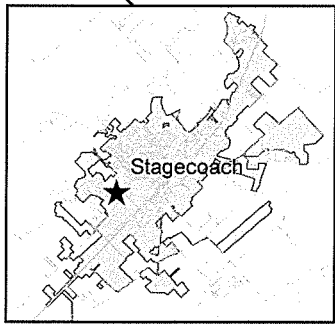
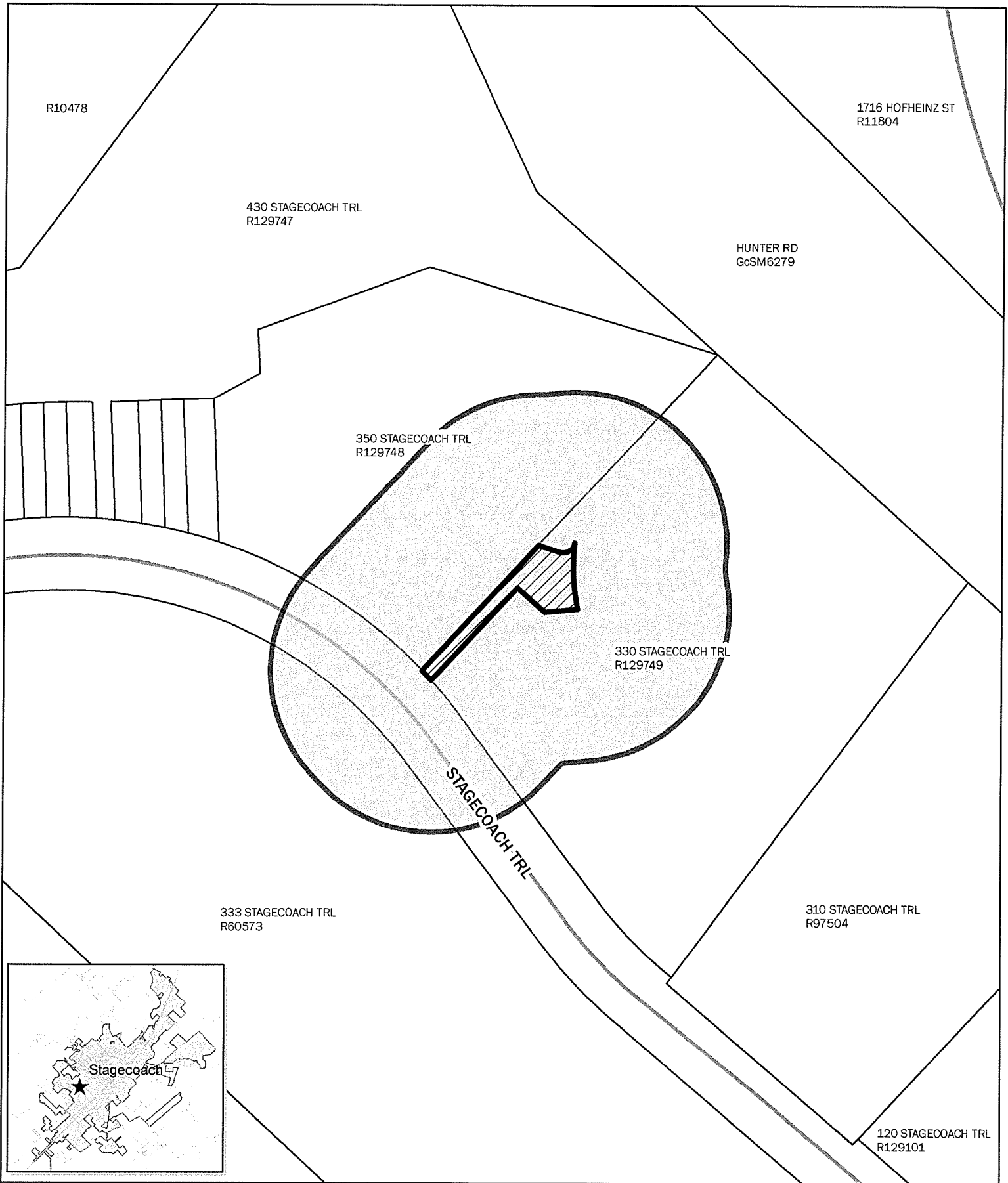
EXISTING ZONING



PROPOSED ZONING




PRELIMINARY PLAN EXHIBIT LOTS 34 AND 35 THE PARK AT WILLOW CREEK 330 STAGECOACH TRAIL, SAN MARCOS, TX.		VIGIL & ASSOC. FIRM REGISTRATION NO. F-4768 P.O. BOX 163314, AUSTIN, TEXAS 78716-3314 TEL 512-431-3525 FAX 512-448-0989		REVISION <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		NO.	DESCRIPTION	DATE									
NO.	DESCRIPTION	DATE															
APPROVED BY: [Signature] DRAWN BY: [Signature] CHECKED BY: [Signature] DATE: 9/7/10		COPYRIGHT: 2010		SCALE: 1" = 40'													



ZC-10-16

330 Stagecoach Trl

Map Date: 10/14/10

 Notification Buffer
(200 feet)

 Site Location

 Historic District

This map was created by Development Services
for reference purposes only. No warranty is made
concerning the map's accuracy or completeness.



0 87.5 175 350
Feet

Zoning Change

ZC-10-16

330 Stagecoach Trail



Summary:

The applicant is requesting a Zoning Change from OP (Office Professional District) to TH (Townhouse District) on 0.19 acres out of Lot 35, The Park at Willow Creek, located at 330 Stagecoach Trail.

Applicant:

Joel Richardson, P.E.
Vigil & Associates
4303 Russell Drive
Austin, TX 78704

Property Owner:

Robert W. McDonald III
2110 A Boca Raton, Suite 201
Austin, TX 78747

Notification:

Personal notifications of the Public hearing were mailed on October 15, 2010 to all property owners within 200 ft of subject property.

Response:

None as of date of report publication.

Subject Property:

Location:

330 Stagecoach Trail

Legal Description:

0.19 acres out of Lot 35, The Park at Willow Creek

Sector:

Nine (not adopted)

Current Zoning:

OP (Office Professional District)

Proposed Zoning:

TH (Townhouse Residential District)

Current Future Land Use Map Designation:

Commercial (C)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR)

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Future Development	Open Space
S of Property	Public & Institutional	Public School
E of Property	Office Professional	Commercial
W of Property	Townhouse	Undeveloped

Case Summary:

The subject property is located in the southwest quadrant of San Marcos; on the north side of Stagecoach Trail, approximately 1,600 feet northwest of the intersection of Stagecoach Trail and Hunter Road. This request is proceeding concurrently with a Land Use Map Amendment request from Commercial (C) to Medium Density Residential (MDR) for this property. The subject property is currently zoned OP (Office Professional District), the applicant is requesting the subject property to be rezoned TH (Townhouse Residential District) with the intent to replat this parcel along with a portion of the adjacent Lot 34 into 9 townhouse residential lots.

Planning Department Analysis:

Subject property's immediate neighborhood consists of:

- The Park at Willow Creek subdivision (which contains the subject property).
This is a 35 lot subdivision, composed of:
 - 32 Townhome lots (zoned TH, Townhouse Residential District)
 - Lot 33, a 11.26 acre lot that is primarily drainage easements, P.U.E.s, a Sensitive Feature Protection Zone, a Buffer Zone, and an easement to Upper San Marcos Watershed Reclamation & Flood Control District (zoned TH, Townhouse Residential District)
 - Lot 34, a 4.67 acre development reserve lot (zoned TH, Townhouse Residential District)
 - Lot 35, a 6.79 acre development reserve lot (zoned OP, Office Professional District).
- The Maria Hernandez Middle School (located to the south of the subject property). This property is zoned P, Public and Institutional District.
- The Gardens of Willow Creek Subdivision (located to the southeast of the subject property).
 - This is a 29 residential subdivision, fully developed with Patio Homes, (zoned PH-ZL, Patio Home, Zero-Lot-Line Residential District).
- The Willow Creek Subdivision (located to the south of the subject property).
 - This is a large residential subdivision, composed of acreage single-family lots improved with large very good quality homes (zoned SF-R, Single-Family
- Open Space (located to the west of the subject property)
 - This is a large Green Belt owned by the City of San Marcos (zoned P, Public and Institutional District).
- Open Space (located to the north of the subject property)
 - This is a large Green Belt owned by the City of San Marcos (zoned FD, Future Development)
- The Stagecoach Professional Center subdivision (located to the east of the subject property)
This is a commercial subdivision improved with dental and medical offices (zoned OP, Office Professional District).

Subject property is an undeveloped 0.19 acre parcel that is a part of the front western portion of Lot 35, The Park at Willow Creek subdivision. This parcel has access to Stagecoach Trail which is the main traffic artery through Sector Nine and is defined as a Major Arterial. This divided median arterial has 80 feet of R-O-W and provides ingress and egress to the commercial development northwest of Hunter Road, to Maria Hernandez Middle School (located directly across Stagecoach Trail for the subject property), and to Willow Creek subdivision (a large, very low density residential development, composed of large, very good quality single-family detached homes on acreage home sites).

Sector Nine has no adopted plan. The boundaries of this Sector are Wonder World Drive (northeast); Railroad (southeast) and City Limits (southwest & northwest). Development patterns for Sector Nine range from large-lot residential development west of Hunter Road and scattered residential, commercial and industrial uses to the east of Hunter Road.

The existing zoning of the subject property is OP (Office Professional District). The purpose of OP, Office Professional zoning districts is to provide areas primarily for low intensity, small scale office uses and services facilities. This district should be compatible with residential uses and should incorporate established landscape and buffering requirements. Dimensional and Development Standards for the OP, Office Professional District includes:

- Maximum Lots per Acre:
 - 5 per gross acre
- Minimum Lot Area:
 - Interior Lot, 6,000 square feet Corner Lot, 7,500 square feet
- Minimum Lot Frontage:
 - Interior Lot, 50 feet Corner Lot, 60 feet
- Minimum Lot Depth:
 - 100 feet
- Maximum Impervious cover:
 - 80%
- Minimum Front yard set-back:
 - 20 feet
- Minimum Side yard set-back:
 - Interior, 5 Corner, 15
- Minimum Rear yard set-back:
 - 5 feet, with 2 feet for each story above 24 feet, up to a maximum setback of 25 feet, there shall be no encroachment or overhangs into this required rear yard.

The proposed rezoning of the subject property is TH (Townhouse Residential District). The purpose of TH, Townhouse zoning districts is for development of single-family residences and customary accessory uses as well for development on larger parcels of land of two-family townhouse units. Dimensional and Development Standards for the TH, Townhouse Residential District includes:

- Maximum Units per acre:
 - 6/12 units per gross acre
- Minimum Lot Area:
 - Interior Lot, 2,500 square feet Corner Lot 4,000 square feet
- Minimum Lot Frontage:
 - Interior Lot, 25 feet
- Minimum Lot width:
 - Interior Lot, 25 feet
- Minimum lot depth:
 - 90 feet
- Maximum Impervious cover:
 - 70%
- Minimum Front yard set-back:
 - 20 feet
- Minimum Side yard set-back:
 - Corner, Common Wall: 0 feet District Boundary, Exterior Wall: 5 feet
- Minimum Rear yard set-back:
 - 0 feet when abutting townhouses on the rear. 10 feet when abutting an alley or service drive, or property not zoned for townhouse use.

Section 1.5.1.5 of the Land Development Code establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;
X		Whether the proposed zoning map amendment is consistent with a development agreement in effect; <i>Comments: No development agreements are in effect for this property.</i>
X		Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified:
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; <i>Comments: The change will have no negative effects on public facilities and services.</i>
X		Other factors which substantially affect the public health, safety, morals, or general welfare <i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i>

Based on the criteria above, the applicant's request is consistent with adopted policies and plans of the city regarding development in this area. The request is reasonable based on the following:

- The proposed use of medium density single-family homes is a good transitional use between the very low density single-family development of Willow Creek to the northwest and the proposed small scale office use on the front portion of Lot 35 and the adjacent existing commercial property to the southeast.
- This residential development will be less than one half mile from schools, medical services, restaurants and retail facilities – promoting a walkable environment.
- This request is down zoning – moving from a more intensive land to a less intensive use.

Staff recommends approval of the zoning change request.

Planning Department Recommendation:	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative-Public Hearing only
<input type="checkbox"/>	Denial

Factors to be aware of and consider:

On September 10, 2010, Joel Richardson, P.E., acting as agent for Robert W. McDonald III, submitted a Land Use Map Amendment application and a Zoning change request application concerning Lots 34 & 35, The Park at Willow Creek. After review by the staff the applications were declared incomplete. On September 23, revised applications were submitted and on September 28th the applications were declared complete. The Development Services-Planning Staff began processing the submitted applications and placed the Land Use Map Amendment case and the three Zoning Change request cases on the agenda for the October 26th Planning & Zoning Commission regular meeting.

On October 1, 2010, a Watershed Protection Plan Phase 1 (WPP1) was submitted to the Permit Center for proposed replat of Lots 34 & 35, The Park at Willow Creek reflecting the proposed lot layout that would correspond to the requested Land Use Map Amendment and Zoning Changes. After a review, by Permit Center Manager, the location of the boundary line of the recharge zone is in question and the impervious cover assumptions may need to be shifted thus affecting the layout of the lots. More work needs to be done (as a group by City staff and Developer's team) to achieve the ultimate best layout of the subdivision.

Since Land Use Districts and Zoning Districts boundary lines are location specific, should the lot layout change after the current requests have been approved there will be a need to repeat the process which will involve new applications, new application fees and new public hearings at both the Planning & Zoning Commission and City Council.

The Development Services staff has recommended to the applicant and the property owner that the Land Use Map Amendment case and the Zoning change request cases be delayed until the appropriate lot layout could be more precisely determined. That would likely result in the most efficient and timely process overall. The property owner has indicated that he wishes the cases move forward as submitted.

The Commission's Responsibility:

The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

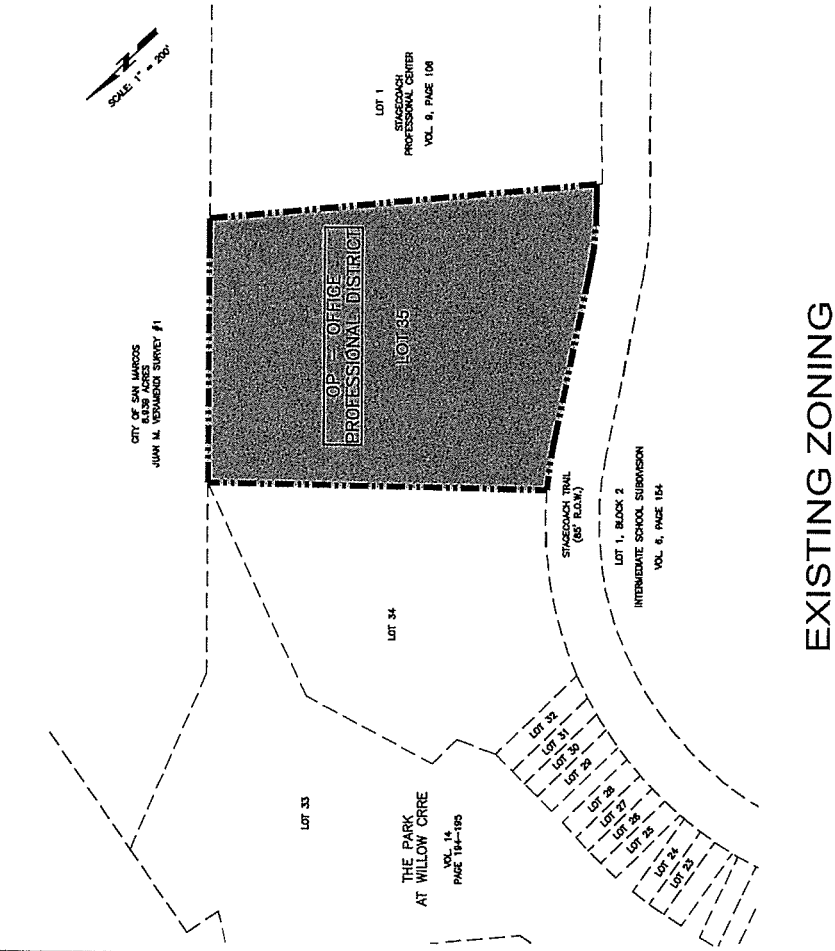
Phil Steed	Planner	October 20, 2010
Name	Title	Date

THE PARK AT WILLOW CREEK

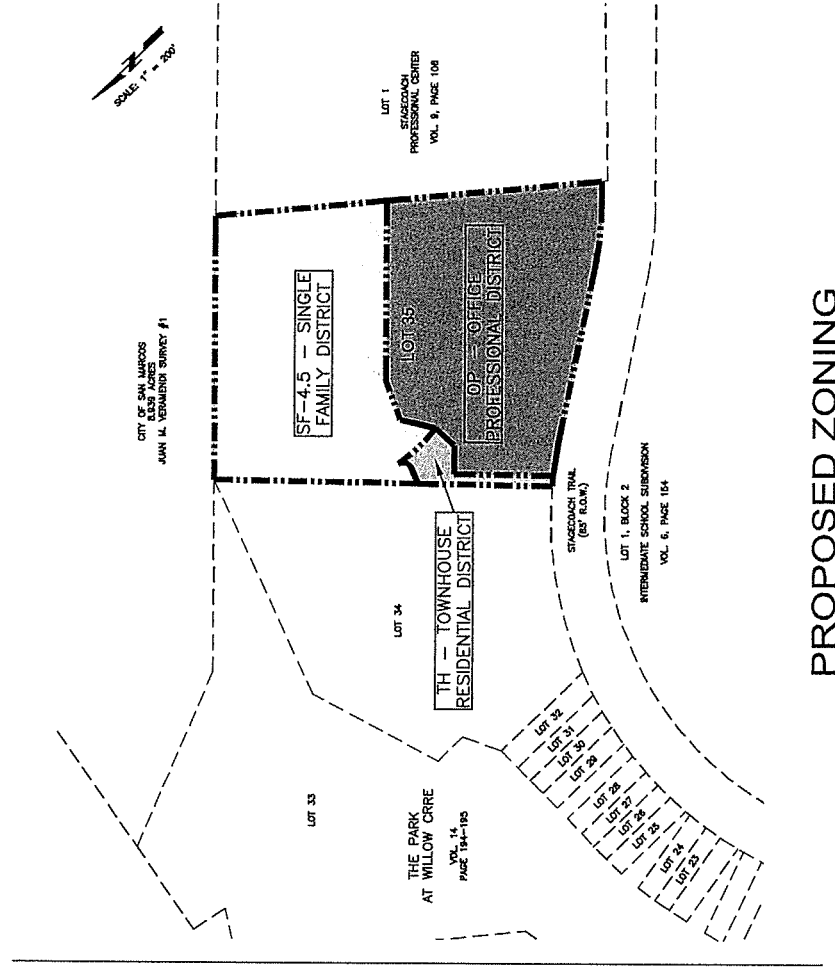
LOT 35

ZONING CHANGE EXHIBIT

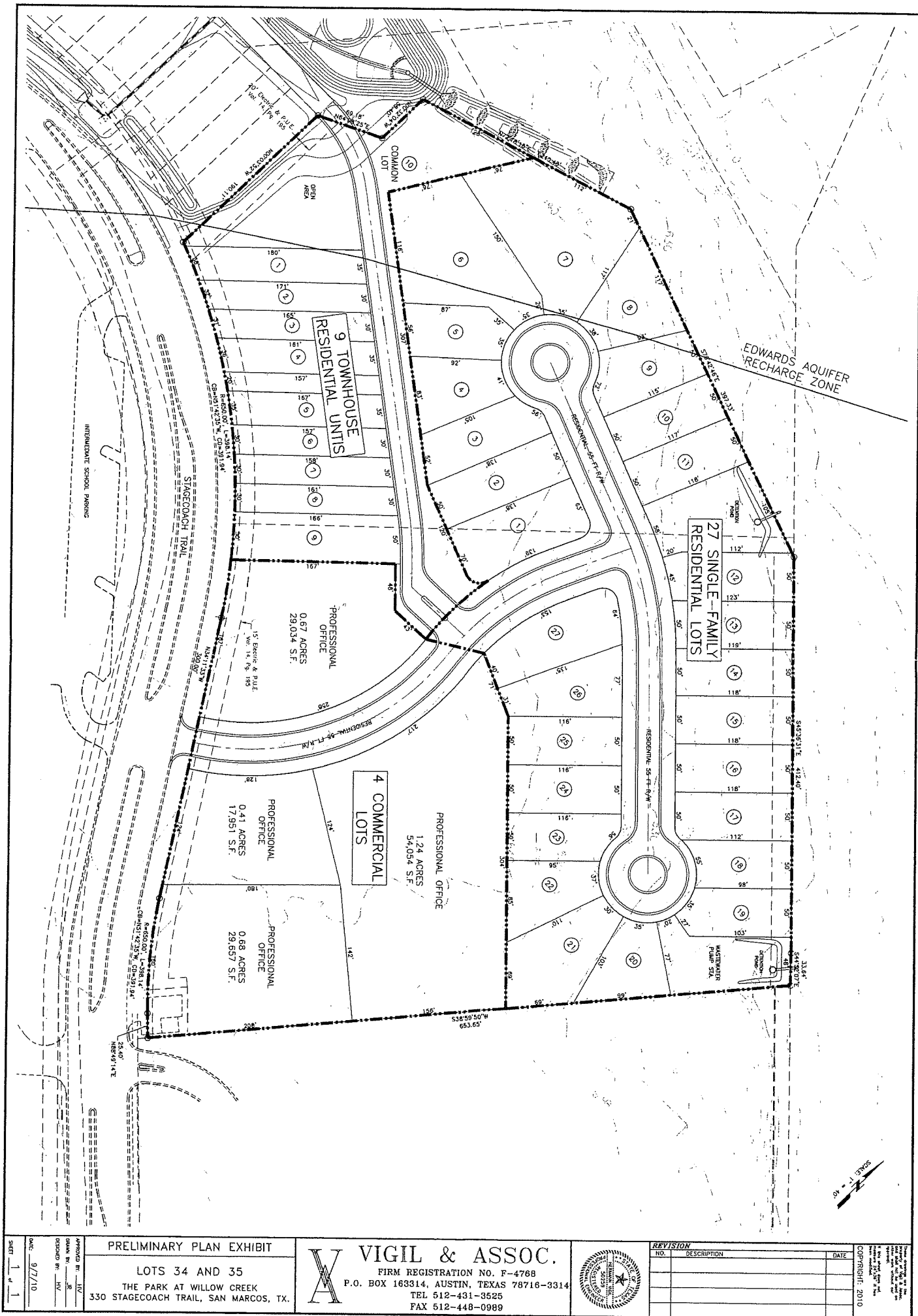
799 SEP 23 PM 3:40
 JAMES
 JAMES



EXISTING ZONING



PROPOSED ZONING



PRELIMINARY PLAN EXHIBIT

LOTS 34 AND 35
THE PARK AT WILLOW CREEK
330 STAGECOACH TRAIL, SAN MARCOS, TX.



VIGIL & ASSOC.

FIRM REGISTRATION NO. F-4768
P.O. BOX 163314, AUSTIN, TEXAS 78716-3314
TEL 512-431-3525
FAX 512-448-0989

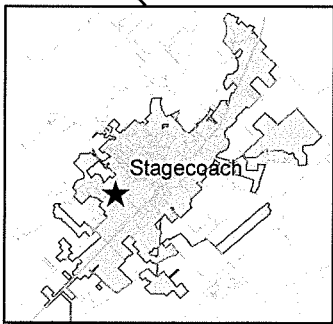
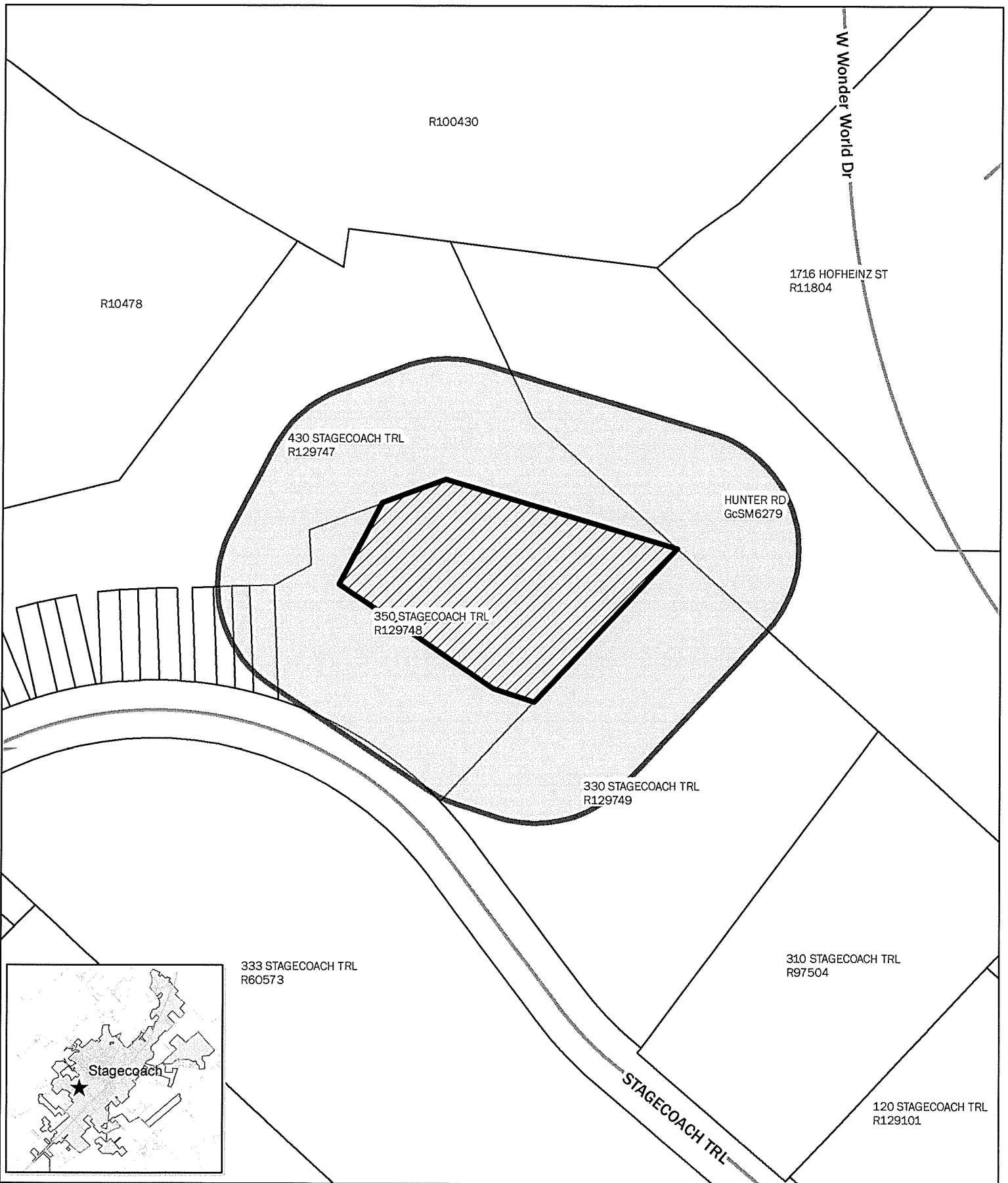


REVISION		DATE
NO.	DESCRIPTION	




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DATE: 9/7/10
DRAWN BY: JLV
CHECKED BY: JLV
APPROVED BY: JLV
SHEET 1 of 1



ZC-10-17
350 Stagecoach Trl
Map Date: 10/14/10

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.

0 112.5 225 450
 Feet



Zoning Change

ZC-10-17

350 Stagecoach Trail



Summary:

The applicant is requesting a Zoning Change from TH (Townhouse Residential District) to SF-4.5 (Single-Family District) on 2.65 acres out of Lot 34, The Park at Willow Creek located at 330 Stagecoach Trail.

Applicant:

Joel Richardson, P.E.
Vigil & Associates
4303 Russell Drive
Austin, TX 78704

Property Owner:

Robert W. McDonald III
2110 A Boca Raton, Suite 201
Austin, TX 78747

Notification:

Personal notifications of the Public hearing were mailed on October 15, 2010 to all property owners within 200 ft of subject property.

Response:

None as of date of report publication.

Subject Property:

Location:

350 Stagecoach Trail

Legal Description:

2.65 acres out of Lot 35, The Park at Willow Creek

Sector:

Nine (not adopted)

Current Zoning:

TH (Townhouse Residential District)

Proposed Zoning:

SF-4.5 (Single-Family District)
Minimum Lot Size 4.500 Square Feet

Current Future Land Use Map Designation:

Medium Density Residential (MDR)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR) NO CHANGE NEEDED

Surrounding Area:

	Current Zoning	Existing Land Use
N of Property	Future Development	Open Space
S of Property	Public & Institutional	Public School
E of Property	Office Professional	Commercial
W of Property	Townhouse	Undeveloped

Case Summary:

The subject property is located in the southwest quadrant of San Marcos; on the north side of Stagecoach Trail, approximately 1,900 feet northwest of the intersection of Stagecoach Trail and Hunter Road. The subject property is currently zoned TH (Townhouse Residential District), the applicant is requesting the subject property to be rezoned SF-4.5 (Single-Family District) with the intent to replat this parcel along with a portion of the adjacent Lot 35 into 27 single-family residential lots.

Planning Department Analysis:

Subject property's immediate neighborhood consists of:

- The Park at Willow Creek subdivision (which contains the subject property).
This is a 35 lot subdivision, composed of:
 - 32 Townhome lots (zoned TH, Townhouse Residential District)
 - Lot 33, a 11.26 acre lot that is primarily drainage easements, P.U.E.s, a Sensitive Feature Protection Zone, a Buffer Zone, and an easement to Upper San Marcos Watershed Reclamation & Flood Control District (zoned TH, Townhouse Residential District)
 - Lot 34, a 4.67 acre development reserve lot (zoned TH, Townhouse Residential District)
 - Lot 35, a 6.79 acre development reserve lot (zoned OP, Office Professional District).
- The Maria Hernandez Middle School (located to the south and east of the subject property). This property is zoned P, Public and Institutional District.
- The Gardens of Willow Creek Subdivision (located to the south and east of the subject property).
 - This is a 29 residential subdivision, fully developed with Patio Homes, (zoned PH-ZL, Patio Home, Zero-Lot-Line Residential District).
- The Willow Creek Subdivision (located to the south of the subject property).
 - This is a large residential subdivision, composed of acreage single-family lots improved with large very good quality homes (zoned SF-R, Single-Family)
- Open Space (located to the west of the subject property)
 - This is a large Green Belt owned by the City of San Marcos (zoned P, Public and Institutional District).
- Open Space (located to the north of the subject property)
 - This is a large Green Belt owned by the City of San Marcos (zoned FD, Future Development)
- The Stagecoach Professional Center subdivision (located to the west of the subject property)
This is a commercial subdivision improved with dental and medical offices (zoned OP, Office Professional)

Subject property is undeveloped property that is the rear 2.65 acres of Lot 34, The Park at Willow Creek subdivision. This parcel will have access to Stagecoach Trail after this lot and Lot 35 are replatted. Stagecoach Trail is the main traffic artery through Sector Nine and is defined as a Major Arterial. This divided median arterial has 80 feet of R-O-W and provides ingress and egress to the commercial development northwest of Hunter Road, to Maria Hernandez Middle School (located directly across Stagecoach Trail for the subject property), and to Willow Creek subdivision (a large, very low density residential development, composed of large, very good quality single-family detached homes on acreage home sites).

Sector Nine has no adopted plan. The boundaries of this Sector are Wonder World Drive (northeast); Railroad (southeast) and City Limits (southwest & northwest). Development patterns for Sector Nine range from large-lot residential development west of Hunter Road and scattered residential, commercial and industrial uses to the east.

The existing zoning of the subject property is TH (Townhouse Residential District). The purpose of TH, Townhouse zoning districts is for development of single-family residences and customary accessory uses as well for development on larger parcels of land of two-family townhouse units. Dimensional and Development Standards for the TH, Townhouse Residential District includes:

- Maximum Units per acre:
 - 6/12 units per gross acre
- Minimum Lot Area:
 - Interior Lot, 2,500 square feet Corner Lot 4,000 square feet
- Minimum Lot Frontage:
 - Internal Lot, 25 feet
- Minimum Lot width:
 - Interior Lot, 25 feet
- Minimum lot depth:
 - 90 feet
- Maximum Impervious cover:
 - 70%
- Minimum Front yard set-back:
 - 20 feet
- Minimum Side yard set-back:
 - Corner, Common Wall: 0 feet District Boundary, Exterior Wall: 5 feet
- Minimum Rear yard set-back:
 - 0 feet when abutting townhouses on the rear. 10 feet when abutting an alley or service drive, or property not zoned for townhouse use.

The proposed rezoning of the subject property is to SF-4.5 (Single-Family District). The purpose of SF-4.5, Single-Family zoning districts is for the development of primarily detached single-family residences and customary accessory uses on lots of at least 4,500 square feet in size. Dimensional and Development Standards for the SF-4.5, Single-Family Residential District includes:

- Maximum Units per acre:
 - 7.5 per gross acre
- Minimum Lot Area:
 - Interior Lot, 4,500 square feet Corner Lot 5,400 square feet
- Minimum Lot Frontage:
 - 35 feet
- Minimum Lot width:
 - Interior Lot, 50 feet Corner Lot , 60 feet
- Minimum lot depth:
 - 90 feet
- Maximum Impervious cover:
 - 60%
- Minimum Front yard set-back:
 - 20 feet
- Minimum Side yard set-back:
 - Interior, 5 feet Corner, 15 feet
- Minimum Rear yard set-back:
 - 20 feet

The Section 1.5.1.5 of the Land Development Code establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation		Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	
X		Whether the proposed zoning map amendment implements the policies of the adopted Master Plan, including the land use classification of the property on the Future Land Use Map and any incorporated section plan maps;
X		Whether the proposed zoning map amendment is consistent with a development agreement in effect; <i>Comments: No development agreements are in effect for this property.</i>
X		Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified;
X		Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area; <i>Comments: The change will have no negative effects on public facilities and services.</i>
X		Other factors which substantially affect the public health, safety, morals, or general welfare <i>Comments: Staff has not identified other issues which substantially affect the public health, safety, morals or general welfare.</i>

Based on the criteria above, the applicant's request is consistent with adopted policies and plans of the city regarding development in this area. The request is reasonable based on the following:

- The proposed use of medium density single-family homes is a good transitional use between the very low density single-family development of Willow Creek to the northwest and the proposed small scale office use on the front portion of Lot 35 and the adjacent existing commercial property to the southeast.
- This residential development will be less than one half mile for schools, medical services, restaurants and retail facilities – promoting a walkable environment.
- This request is down zoning – moving from a more intensive land to a less intensive use.

Staff recommends approval of the zoning change request.

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative-Public Hearing only
<input type="checkbox"/>		Denial

Factors to be aware of and consider:

On September 10, 2010, Joel Richardson, P.E., acting as agent for Robert W. McDonald III, submitted a Land Use Map Amendment application and a Zoning change request application concerning Lots 34 & 35, The Park at Willow Creek. After review by the staff the applications were declared incomplete. On September 23, revised applications were submitted and on September 28th the applications were declared complete. The Development Services-Planning Staff began processing the submitted applications and placed the Land Use Map Amendment case and the three Zoning Change request cases on the agenda for the October 26th Planning & Zoning Commission regular meeting.

On October 1, 2010, a Watershed Protection Plan Phase 1 (WPP1) was submitted to the Permit Center for proposed replat of Lots 34 & 35, The Park at Willow Creek reflecting the proposed lot layout that would correspond to the requested Land Use Map Amendment and Zoning Changes. After a review, by Permit Center Manager, the location of the boundary line of the recharge zone is in question and the impervious cover assumptions may need to be shifted thus affecting the layout of the lots. More work needs to be done (as a group by City staff and Developer's team) to achieve the ultimate best layout of the subdivision.

Since Land Use Districts and Zoning Districts boundary lines are location specific. Should the lot layout change after the current request have been approved there will be a need to repeat the process which will involve new applications, new application fees and new public hearings at both the Planning & Zoning Commission and City Council.

The Development Services staff has recommended to the applicant and the property owner that the Land Use Map Amendment case and the Zoning change request cases be delayed until the appropriate lot layout could be more precisely determine. That would likely result in the most efficient and timely process overall. The property owner has indicated that he wishes the cases move forward as submitted.

The Commission's Responsibility:

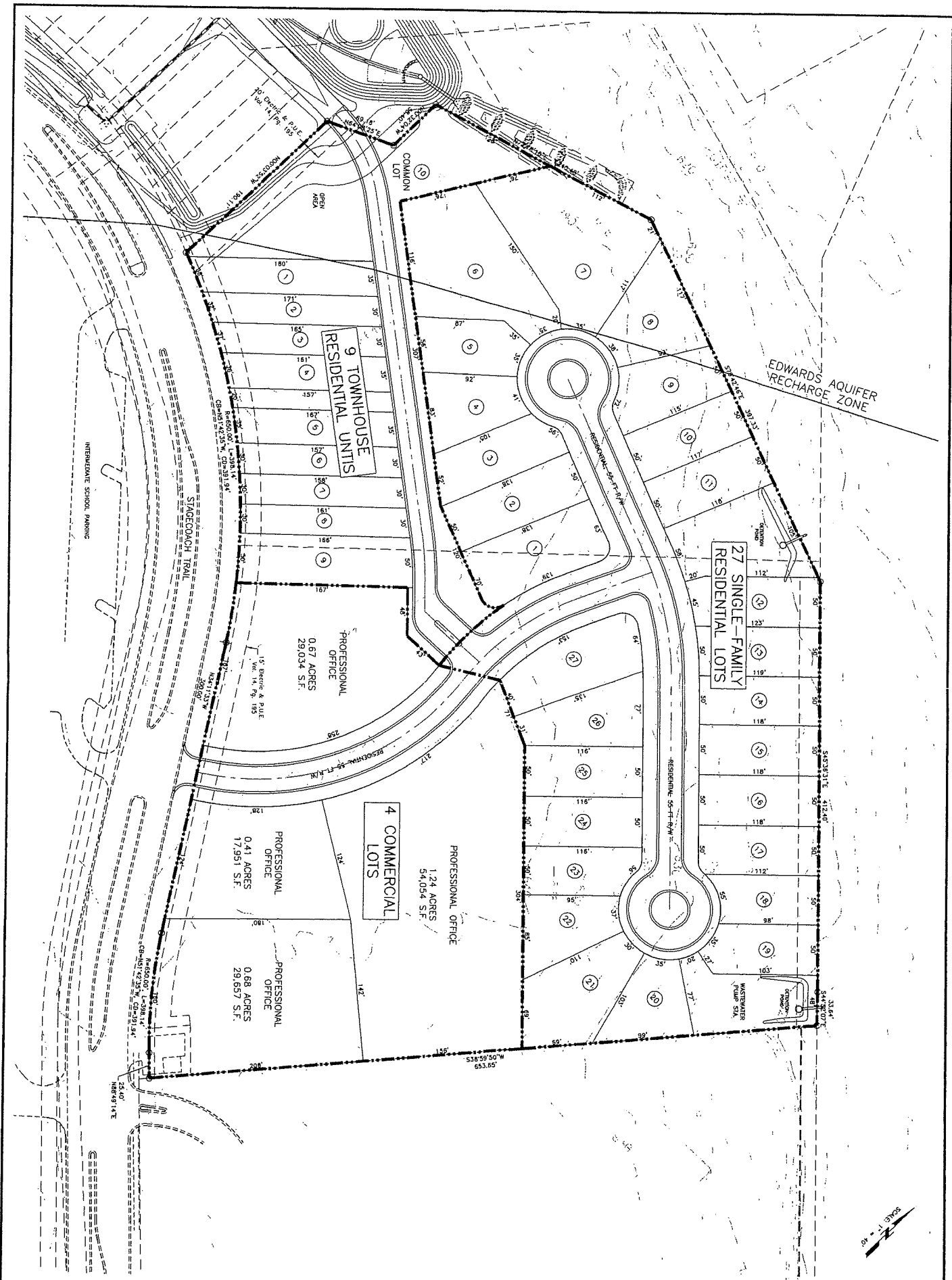
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.

Prepared by:

Phil Steed	Planner	October 20, 2010
Name	Title	Date



Memo



To: Planning Commission Chair Bishop and Commissioners

From: Abigail Gillfillan
Planner

Date: October 15, 2010

Re: Renewable Energy Systems Ordinance

Background

The City of San Marcos Electric Utility has undergone an initiative to upgrade all electric utility meters to Smart Meters and is gearing up to begin net metering. As part of this initiative private renewable energy systems will now be able to tie into the electric distribution grid and sell back power that is produced in excess of what is consumed on the property. The purpose of the attached renewable energy ordinance is to facilitate the installation and construction of small wind and solar energy systems in the City of San Marcos for private landowners, subject to reasonable restrictions, which will mitigate possible nuisances and preserve the public health and safety.

Following is a list of the items and an explanation of how they are addressed in this ordinance:

Zoning

- Small Renewable Energy Systems: Accessory Structure unless they don't meet the standards – CUP is available
- Large Renewable Energy Systems: Permitted in HC, and HI; Conditional in LI

Size

- Small Renewable Energy systems: Designed so that they do not exceed the total number of Kilowatts needed on site

Additional Requirements for Small Wind Energy

- Visual Appearance must blend in with surroundings
- No Artificial lighting
- Not used for signage
- Setbacks
 - Setback from adjacent property line is 1.1 times the total height
 - When mounted on a structure shall not project further than 8'
 - Rooftop installations shall be setback 2 times the height of the structure
- Height
 - Less than ½ acre lot – setbacks from property lines apply

- ½ acre – 1 acre maximum of 80'
 - Greater than 1 acre – no maximum
- Minimum ground clearance for blade tip is 15'

Additional Requirements for Small Solar Energy

- Height
 - Roof mounted systems don't project above the ridge or 5 feet above the deck
 - Ground mounted systems – 8 feet

Additional Requirements for Large Solar Energy

- Misdirection of Solar Radiation
- Public Safety
- Airport Proximity
- Cleaning Chemicals and Solvents

In addition, both small and large renewable energy systems will be added to the Land Use Matrix and the following definitions of Small and Large Renewable Energy Systems will be added to Chapter 8 of the Land Development Code.

Small Renewable Energy System: Any facility or installation which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for onsite use.

Large Renewable Energy System: Any facility or installation which is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from biomass, for offsite use.

Staff recommends approval of the addition of Section 4.3.4.2 Renewable Energy Systems to the Land Development Code and the related definitions.

Section 4.3.4.2 Renewable Energy Systems

- (a) *Purpose:* The purpose of this ordinance is to facilitate the installation and construction of renewable energy systems in the City of San Marcos, subject to reasonable restrictions, which will mitigate possible nuisances and preserve the public health safety, and general welfare..
- (b) *Applicability:* The requirements set forth in this ordinance shall govern the siting of renewable energy systems used to generate electricity or perform work which may be connected to the electric distribution grid, serve as an independent source of energy, or serve in a hybrid system. The requirements of this ordinance shall apply to all renewable energy systems proposed after the effective date of this ordinance. Renewable energy systems for which a required permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance; provided, however, that no modification that increases the height of the system or significantly increases its output shall be allowed without full compliance with this ordinance.
- (c) *Zoning:*
 - (1) Small Renewable Energy Systems may be permitted as an accessory structure in all districts. If the system does not meet the standards of this article a conditional use permit may be available.
 - (2) Large Renewable Energy Systems may be permitted in the Heavy Commercial (HC), and Heavy Industrial (HI) Zoning District, or with a Conditional Use Permit in the Light Industrial (LI) Zoning District.
- (d) *Removal of defective or abandoned renewable energy systems:* Any renewable energy system found to be unsafe by the building official shall be repaired by the landowner to meet federal, state and local safety standards or removed within six months. If any renewable energy system is not operational for a period of 12 consecutive months or more, the city will request by registered mail and provide 45 days such response for the landowner to provide corrective action. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the city deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the structure at their own expense within 120 days of receipt of notice from the city. The city shall have the authority to pursue legal action if necessary.
- (e) *Size:*
 - (1) The size of all small renewable energy systems shall not exceed the total number of kilowatts needed to generate the amount of electricity for the established uses on the property unless the applicant can demonstrate the on-site need for additional power
 - (2) A large renewable energy system is any system designed to exceed the total number of kilowatts needed on the property on a consistent basis.

(f) Application Requirements

- (1) Compliance with International Building Code: Building permit applications for renewable energy systems shall be accompanied by standard drawings, and site plan (showing the location of the proposed renewable energy system and the locations of all existing buildings, structures and property lines to scale along with distances).
- (2) Building permit applications for renewable energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information may be supplied by the manufacturer.
- (3) An engineering analysis of any structure over 24 feet total height showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted.
- (4) When a renewable energy source will be connected to the electric distribution grid an interconnect agreement with the electrical utility provider must be in place prior to the issuance of a building permit.

(g) Additional Requirements for Small Wind Energy Systems

- (1) Visual Appearance; Lighting; and Power Lines
 - a. Wind Turbines shall be painted a non-reflective, non-obtrusive color such as the manufacturer's default color option or a color that conforms to the environment and architecture of the community. Small wind energy towers shall maintain galvanized steel, brushed aluminum or white finish, unless FAA standards require otherwise. The Director of Development Services may require a photo of a small wind energy system of the same model that is the subject of the landowner's application adjacent to a building or some other object illustrating scale (e.g., manufacturer's photo).
 - b. At small wind energy system sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the small wind energy system to the natural setting and the existing environment.
 - c. Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
 - d. Small wind energy systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind turbine.

- e. Electrical controls and control wiring and power-lines shall be wireless or underground except where small wind energy system wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
 - f. The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- (2) The following setbacks and separation requirements shall apply to all small wind energy systems and MET Towers(Meteorological Tower);
- a. No small wind energy structure shall be closer to any property line than a distance equal to 1.1 times the height of the structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a property line. Setbacks from property lines do not apply to wind energy systems attached to existing towers, utility structures, or to turbines mounted upon a building.
 - b. Wind energy systems mounted upon a building shall not project more than 8 feet above the roof or parapet.
 - c. The tower height of a free-standing small wind energy system shall not exceed a maximum height of 80 feet on a parcel of between ½ acre and one acre. For property sizes of one acre or more, there is no limitation on maximum height except as imposed by required setbacks and FAA regulations. For property sizes less than ½ acre tower height is restricted by the applicable setbacks.
 - d. Communication and electrical lines: Each small wind energy system shall be set back from the nearest above-ground public electric power line, telecommunication line, or supporting structure a distance no less than 1.1 times its total height, determined from any part of the existing power line telecommunications line or supporting structure.
 - e. No portion of small wind energy systems or MET towers, including guy wire anchors, may extend closer than 30 feet from any property line.
 - f. Roof-top wind energy installations shall be set back from the edge of the building a minimum distance of two times the height of the turbine
- (3) *Minimum Ground Clearance:* The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than fifteen (15) feet, as measured at the lowest point of the arc of the blades.
- (4) Safety

- a. Wind turbine towers shall not be climbable up to 12 feet above ground level.
- b. All access doors to wind turbine towers and electrical equipment shall be lockable and should remain locked when not being serviced.
- c. Appropriate warning signage (e.g., electrical hazards) shall be placed on wind turbine towers, electrical equipment, and small wind energy systems.
- d. Compliance with FAA Regulations: Wind energy systems must comply with regulations of the Federal Aviation Administration (FAA), including any necessary approvals for installations close to airports.

(h) Additional Requirements for Small Solar Energy Systems

(1) Height

- a. Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof.
- b. Roof-mounted systems shall not project more than five feet above the deck or parapet of a flat roof. All mounting hardware shall be screened from view according to Section 6.1.2.4.
- c. Ground-mounted systems shall not be higher than eight feet.
- d. Appurtenant components must be located within an enclosed structure or screened according to Section 6.1.2.4.

(i) Additional Requirements for Large Solar Energy Systems

- (1) Misdirection of Solar Radiation: The proposed solar energy project shall be designed and will be operated to prevent the misdirection of concentrated solar radiation onto nearby property, public roads, or other areas accessible to the public.
- (2) Public Safety: The proposed solar energy project shall be designed and will be operated to protect public safety, including development and implementation of a plan or operating procedures to prevent public access to hazardous areas.
- (3) Airport Proximity: The proposed solar energy project is not located adjacent to or within the control zone of any airport.
- (4) Cleaning Chemicals and Solvents: All chemicals or solvents used to clean photovoltaic panels and heliostats shall be low in volatile organic compounds and the operator will use recyclable or biodegradable products to the greatest extent possible.

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
September 28, 2010**

1. Present

Commissioners:

Sherwood Bishop, Chair
Bill Taylor, Vice-Chair
Jude Prather
Curtis O. Seebeck
Jim Stark
Chris Wood

City Staff:

Matthew Lewis, Development Services Assistant Director
Francis Serna, Recording Secretary
Sofia Nelson, Senior Planner
John Foreman, Planner
Abigail Gillfillan, Planner
Kathy Woodlee, Senior Engineer

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Bishop at 6:00 p.m. on Tuesday September 28, 2010 in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Bishop welcomed the audience.

4. *NOTE:* *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session;*

5. Citizen Comment Period

Scott Dodson, 134 Fenceline in Blanco Vista Subdivision stated he was present as a member and a leader for the Blanco Vista Community. He said he found out about the changes to the subdivision and called a community meeting on Tuesday, in which 94 homeowners attended the meeting. Mr. Dodson stated that a petition in opposition to the request has been signed by 115 homeowners. He added that many people are upset about the proposed changes. Mr. Dodson explained that when they purchased the property it was proposed as a Master Plan Community with a HOA and architectural guidelines approved by the Planning Commission. He said that they are dismayed how Carma can avoid the due process of notifying the community of the proposed change to the master plan. He pointed out that one of their newest residents in the Blanco Vista Community is Chance Sparks, a professional urban planner and former Planning Manager for the City of San Marcos. He recommended that Carma submit a PDD and make investment in the community. Mr. Dodson asked that the current proposal be scrapped and that Carma work with the Homeowners Association to come up with a PDD that the residence can

depend on whether the property is sold or not. He added if Carma must develop apartments, that they be high end apartments and they only be allowed in the portion north of Yarrington Blvd.

John Aultman, owner of 114 Fence Line, Blanco Vista Subdivision. Mr. Aultman stated that he purchased his home not only for the quality and construction of the home. He added that he bought his home because of the excellent community master plan. He congratulated Carma on a beautifully designed community. He thanked the Commission for allowing him to express his concerns and not approving Carma's request to amend the Master Plan at the Sept. 14, 2010 Commission meeting. Mr. Aultman expressed his concerns that if Carma proposes changes to the master plan, they will have a low income community with an apartment focused subdivision. He felt it would be a shame if Carma changes the original master plan. In addition Carma has requested to remove Low Density Residential which will fill vacant lots with a high density populated community. He explained that home owners purchased their homes at Blanco Vista which is a low density residential. Mr. Aultman stated that he wants Carma to remain with original master plan.

Robert Talavera, 101 Split Rail in Blanco Vista Subdivision, stated he purchased his home in 2009. He said he reviewed the concept plan and moved to Blanco Vista because it was advertised as a single family-low density residential subdivision and perfect place to raise a family. Mr. Talavera said he is in opposition to the proposed master plan amendments for many reasons. He said the proposed plan would bring in students and renters that will not have a vested interest in the community. He added that it will also bring more traffic which will be dangerous to the community and children. Mr. Talavera stated that he felt multi-family would not be beneficial to the community. He said when multi-family is used correctly it could be beneficial, but that is not what Carma has proposed.

Buddy Vela, representing the Kyle State Center of Jesus Christ of Latter Day Saints, 3751 Trail Ridge Pass explained that the church meeting house was built in the Blanco Vista Subdivision. The meeting house was recently completed and they have begun meeting in the building. Mr. Vela said that the search for an ideal location began two years ago when they found this site which was presented as a strictly single family dwelling residential subdivision. He said the Blanco Vista Subdivision is one of nicest subdivisions on IH 35. He said while being assured that the subdivision would remain a single family subdivision, they decided to build and invest many dollars in the building. He pointed out that they are opposed to the proposed master plan amendments. Mr. Vela mentioned that the Kyle Board, Buda Ward and several other youth groups meet in building several times during the week.

Melinda Hieber, 118 Fence Line Drive stated that she is opposed to Carma's Master Plan amendment proposal. She said that the people present at the meeting did not buy into a multi-family neighborhood. She explained that they bought into the community for quiet, peaceful, and beautiful scenery that was provided. Ms. Hieber felt that Carma has lied to them and that it is the Commission's responsibility to the taxpaying citizens of the Blanco Vista neighborhood to hold Carma responsible for their lies. She added that people will move out of the neighborhood if the amendments are approved.

Heather Gool, 230 Silo Street, Blanco Vista Subdivision stated she strongly opposes any changes by Carma. She asked that any future plans be postponed. She felt that they are at the mercy of their Developer, Walt Elias, HOA Board President as he communicated the proposed amendments the previous Tuesday. Ms. Gool pointed out that they are all concerned about decreased property values, increase in traffic, attendance at the school and safety of the children. She asked that the request be denied.

Melissa Neslund stated she was present representing the applicant. She requested that the item be postponed to at least the October 26, 2010 Planning Commission meeting. Ms. Neslund stated that they were available to address comments, meet with the neighborhood and staff. She added that they have scaled back the proposal since the last Planning Commission meeting. They will continue to make changes as needed and requested by the neighbors. She stated that she and Charlie Fowler are available to answer questions.

Chance Sparks, 610 Irvin Drive, Blanco Vista Subdivision stated that the homeowners are present in spirit of collaboration. He explained that the citizens want good planning in their neighborhoods. Mr. Sparks stated that the public participation on behalf of the developer has been disappointing. He commended the Commission on allowing the citizens to speak. Mr. Sparks explained that the current proposal has a 500% increase in multi-family and townhomes which is a big change from the master plan approved in 2007. He added that due process has not occurred in Blanco Vista. Mr. Sparks added that the proposed amendments do not require occupancy restrictions.

Paul Geiger, 101 Six Pines Road, spoke in opposition to the Windemere Variance Request. He pointed out that the proposed entrance width does not meet code requirements. In addition, he said that no structures have been built in the area because it is in the flood area. Mr. Geiger stated that the previous owner wanted to develop the property until he was informed that a variance was required.

Robert Johnson recused from speaking.

Jane Hughson, 1600 N. LBJ Dr., stated that her property backs up to the Windemere property. She stated that she agrees with Mr. Geiger and asked the Commission not to grant the variance request.

Robert Doerr, 106 Fence Line Drive, thanked the Commission for their service. Mr. Doerr said he graduated from TX State in 2003. He stated that he, his wife and neighbors all represent the type of people they want in their neighborhood. He mentioned that he served on the San Marcos Economic Development Board over the past year. He pointed out one of the visions that was discussed in the study is the need for quality housing. Mr. Doerr added that he doesn't doubt that there is a need for lower end homes and townhomes, but that is not what he and his neighbors signed up for with Carma. He asked that the Commission table the request and take the issues into consideration.

Melvin Burkland, 133 Farm House Road, stated he purchased his house in February 2009. Mr. Burkland said he loved the master plan and thought it was a great idea. Mr. Burkland mentioned that he has lived in the area all his life. He pointed out that he has reservations about what is going to happen with Blanco Vista Subdivision. Mr. Burkland explained that he has called the police on several occasions because students are living in one of the homes. There have been several issues with the students residing in two of the homes on his street. He said he does not want to see the master plan change to allow college students living in the area. Mr. Burkland stated that he is in support of his neighbors that the Master Plan remains as originally submitted.

Steve Harvey, 1116 Mountview Drive explained that what is considered in Blanco Vista has an impact on the rest of the city. He felt that the community should look out for each other and help each other. Mr. Harvey stated that he was present to support the Blanco Vista residents. He said that Carma made a representation and now is trying to sneak by and change it. Mr. Harvey encouraged the Commission to protect the citizens of San Marcos.

There were no additional citizen comments.

6. CUP-10-17. Hold a public hearing and consider a request by Joe Flanagan, on behalf of Bar Entertainment, Inc DBA Nephew's, for a Conditional Use Permit to allow an amendment for the addition of an exterior seating area to an existing Unrestricted CUP for on premise consumption of mixed beverages for Nephew's at 100 N. Guadalupe St.

Chair Bishop opened the public hearing. Jason Stavfina, General Manager of Nephews was present on behalf of Joe Flanagan stated he was available to answer questions. He explained that he is currently working with the Fire Marshall and the Building Inspectors to make sure everything is up to code. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-10-17 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; no speakers or live music shall be allowed outside; the applicant shall submit plans and receive all required permits from the Health Department; the applicant shall comply with all regulations regarding occupant load, ingress and egress, and sprinkler coverage as directed by the Fire Marshall; the applicant shall gain approval of a Certificate of Occupancy for the outdoor seating area; and permits shall be pulled where required for all work completed or proposed. The motion carried unanimously.

7. CUP-10-23. Hold a public hearing and consider a request by Baccus Enterprises, on behalf of James Piper, to allow on-premise consumption of mixed alcoholic beverages in a GC district for Chimy's at 217 E. Hopkins.

Chair Bishop opened the public hearing. Kyle Wright, founder of Chimy's, stated they are a gateway to square and feels that they are bringing a clean atmosphere and great concept to the City of San Marcos. He explained that the front façade will have a god appearance to Hopkins Street. Mr. Wright added that the business is non- smoking and will close at midnight. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Seebeck, the Commission voted all in favor to approve CUP-10-23 with the conditions that the permit shall be valid for one (1) year, provided standards are met, subject to the point system; if the LDC requirement for parking is not met on-site, a shared parking agreement shall be required in accordance with the LDC, the applicant shall submit plans and receive all required permits from the Health Department; and signage for the business shall be consistent with the Sign Design Guidelines for the Downtown Historic District to the satisfaction of the Director of Development Services, appealable to the Planning and Zoning Commission. The motion carried unanimously.

8. PC-04-07(01c). Consider possible action on a request by Melissa Neslund, on behalf of Carma Inc., for a concept plan amendment for the Blanco Vista Subdivision.

MOTION: Upon a motion made by Commissioner Taylor and a second by Commissioner Stark, the Commission voted four (4) in favor and two (2) opposed to postpone the request to the December 14, 2010 Planning and Zoning Commission meeting. The motion carried.

The Commissioner requested that the item be posted as a Public Hearing.

9. PC-04-10(02c). Consider possible action on a request by Steve Ramsay, on behalf of Cottonwood Creek JDR, Ltd., for approval of the preliminary plat for Cottonwood Creek, Phase 1, Section 1-C, being 14.62 acres located along State Highway 123 about one mile south of Clovis Barker Road.

MOTION: Upon a motion made by Commissioner Wood and a second by Commissioner Prather, the Commission voted all in favor to approve PC-04-10(02c) with the conditions the applicant change the label of the trail from "parkland dedication" to "private parkland;" add the following two plat notes: (1) the HOA will maintain the Private Park before and after trail construction, (2) Trail construction will occur no later than the public park improvements; the trail shall be constructed in compliance with ADA standards; and crosswalks shall be striped where the trail interests any street. The motion carried unanimously.

10. PC-08-07(03a). Consider possible action on a request by Amy Ledbetter Parham, on behalf The Village of San Marcos, for approval of the Final Plat of The Village of San Marcos Phase II, Lot 1, being 2.934 acres, more or less, in the J.M. Veramendi Survey No. 1, Abstract No. 17, located at 215 S. Reimer Ave.

MOTION: Upon a motion made by Commissioner Stark and a second by Commissioner Prather, the Commission voted all in favor to approve PC-08-07(03a). The motion carried unanimously.

11. PVC-10-04. Hold a public hearing and consider a request by Hermann Vigil, P.E., Vigil and Associates, on behalf of Rob Haug and Vince Wood, for a variance to 7.4.1.2 (f) of the Land Development Code, which requires right-of-way to be dedicated in accordance with city standards for an approximately 235 acre tract out of the T.J. Chambers, E. Burleson, R. Clever, and E. Clark Surveys.

Chair Bishop opened the public hearing.

Larry Dupont, 145 Spring Rd. said he was having trouble locating his property on the public hearing notice map. Mr. Dupont stated he had concerns with the ingress to the property which has a sink hole. He explained if there is a raise in the grade to the road the oil, gas would flow directly into his 138 acres. Mr. Dupont said he does not need issues for his cattle or crops.

Diane Wassenich, 11 Tangelwood, referred to ROW width variance exhibit map and asked the Commission to take note that the road and the bridge will be located in the water quality zone. She added that she is very concerned if the Commission approved the request they will be tying the hands of the person working on the watershed plan. She added that Sink Creek is located along the edge of the flood plain. Ms. Wassenich explained the amount of water during the floods. She added that the people that are going to be living on the property will not be able to get out of the subdivision. She asked the Commission to deny the variance.

Steve Harvey 1116 Mountain View Drive, expressed support for the consideration of environmental impacts and the neighboring land owners. He requested that the Commission deny the request. He pointed out that there are several issues that need to be worked out.

Vince Wood, one of the owners of the property said that the Commission may be aware that over the last several years they have worked with the city regarding solutions to the location of the road. He added that the solutions were not pursued by the City. Mr. Wood pointed out that the proposed location of the road and providing access to the property is the only solution available. He added that he has not asked for environmental variances for any of the past development concepts and has no intention of asking.

Robert McDonald, Real Estate developer explained that it is their vision to create an estate lot subdivision with approximately 74 lots on larger tracts. He added that site issues pertain to offsite issues. Mr. McDonald explained that granting of the variance only begins the process and there will be ample opportunity to verify that the developer is held to high standards. Mr. McDonald urged the Commission to approve the variance. He stated that San Marcos Needs estate housing.

There were no additional citizen comments and the public hearing was closed.

There was a 5 minute recess.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Wood, the Commission voted five (5) in favor and one (1) opposed to approve PVC-10-04 with the conditions except for the 47' alternative cross-section, all other right of way shall be dedicated and constructed to city standards; no more than 74 total lots shall use the new residential collector as their sole point of access; the property shall not be development more densely than shown on the concept plan; a Qualified Watershed Protection Plan shall be approved prior to site development, and the owners shall design and construct a bridge structure that allows the conveyance of the 100-year storm flow from a fully-developed upstream condition without encroachment outside the right-of-way during construction or operation of the roadway; the reduced width of the cross-section shall be utilized only where necessary to meet these conditions. The motion carried.

12. WPP1-08-0010. Hold a public hearing and consider possible action on a request by Jacobs Engineering Group, Inc., on behalf of Carma Paso Robles, LLC, for a Qualified Watershed Protection Plan Phase 1 for a subject area including 1338.5 acres - portion 1 located at the terminus of Centerpoint and Hunter Roads, portion 2 located east of Hunter Road and south of Centerpoint Road.

Chair Bishop opened the public hearing. Diane Wassenich, San Marcos River Foundation stated that she must reinforce that Dr. Glen Longley and Dr. Tom Brandt who spoke to the Commission and Council. She wasn't sure if the Commission received the letter from the San Antonio Golf Course and their requirements. She said that the scientist and the San Marcos River Foundation are very concerned about the fact that the recharge contributing and transition zone on this property are going to be watered with treated wastewater. Ms. Wassenich added that this is a big problem with people that have private wells in the area and that there is no treatment for private wells. She added that they have nothing to say about the Watershed Protection Plan other than any plan to have a golf course that puts chemicals to the contributing transition zone and recharge zone and water with wastewater is a very bad plan. There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Prather, the Commission voted all in favor to approve WWP1-08-0010 with the condition that all development within the project shall be designed and operated to achieve the appropriate storm water pollutant removal through the use of appropriate best management practices (BMPs) approved by the City. The motion carried unanimously.

13. ZC-10-14. Hold a public hearing and consider a request by Steve Ramsay, on behalf of Craddock Avenue Partners, to allow a Zoning Change from SF-6 (Single Family) to MU (Mixed Use) for approximately 2.23 acres, located at the southwest corner of Craddock Avenue and Bishop Street.

Chair Bishop opened the public hearing. Diane Wassenich, 11 Tangelwood, stated that she wanted to point out that this is the tract that was pulled out at the last minute which negated the petition that the neighbors wrote so the City Council did not have to have a super majority vote on the rezoning. She urged the Commission not to allow this type of behavior and not to approve the request.

Camille Phillips, Franklin Drive., thanked the Commission for their support of the new neighborhood, Blanco Vista. She pointed out that the Commission or the City Council supported her neighborhood and other near them. Ms. Phillips stated that in order to defeat their petition, she quoted from Mr. Muir comments at the last meeting "we decided to take the two acres of the table and work with them to provide either a buffer zone behind them or provide some sort vegetated barrier or include them in our site plan. At that time if we decide to do something with the corner they are the main concern." Ms. Phillips asked the Commission to please deny the request.

Steve Ramsey, Ramsey Engineering, on behalf of the owner of Craddock Ave. Partners LLC, explained that one reason that the owner pulled the 2.23 acres was the desire to meet with the Grant Court neighbors. Mr. Ramsey explained that they had a meeting with a low turnout. In addition, a flyer was mailed out to provide information. He added that secondly this particular tract is already designated as mixed use in the City Future Land Use Map. He said he could not explain why the property was zoned single family residential. Mr. Ramsey explained that there are no environmental sensitive features on the property. Mr. Ramsey stated he wanted to clarify for the Commission, that when the owners requested to withdraw, they had understood that the percentage of the wanted to clarify for Commissioners when owners decided to withdraw they understood the 200' property owner notification was at 17%. He reported that they are making good progress on the project and have received approval of the WSPP I. Mr. Ramsey added that he was available to answer questions.

Anita Fuller, 121 Kathryn Cove spoke in support of the zoning request. She pointed out that the request with compliment the area. Ms. Fuller stated that the Development Agreement between the City and the Craddock Avenue Partners, LLC gives her great assurance from the developers that the property will be developed in a manner observing all City Codes and Ordinances.

Rob York, 1804A Hunter Road, said he knows neighbors in the area and is present to speak on behalf of the people in opposition to the request. He said is present to speak on behalf of the people that did sign the petition and have the right to be heard. Mr. York added that he hopes that we learn from this project about how better to communicate with the neighbors. He said his feelings are neutral but is speaking on behalf of the neighbors and people that are against the request.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Prather and a second by Commissioner Taylor, the Commission voted four (4) in favor and two (2) opposed to approve ZC-10-14. The motion carried.

Discussion Items.

Commissioner Prather inquired if the Planning Commission packets are posted online. He was advised that the agenda packets are posted on the City's website.

Commissioner Wood asked that a topographic map be added to the staff reports. Staff agreed.

Commissioner Seebeck stated that the chart included on the Windemere Variance request was very informative and asked if the chart could be included in other staff reports.

Planning Report

a. Update on Downtown Coding efforts.

Matthew Lewis said staff is working with Melissa Millecam, Director of Communications to develop a schedule. A schedule will be provided to the Commission when complete.

b. Draft Renewable Energy Ordinance.

Sofia Nelson advised the Commission that the Draft Ordinance was in their packets for their review. She explained that no recommendation would be taken until the October 26, 2010 Planning Commission meeting. Ms. Nelson mentioned that Kyle Dickie, Assistant Director of Public Services will be available on October 26 to answer questions.

Matthew Lewis reminded the Commission about the American Planning Association Conference Training on Form Based Code. Anyone interested should contact staff.

Sofia Nelson announced that October is Community Planning Month and that there are several events planned. She gave a quick overview of the schedule.

Commissioners' Report

There was no Commissioners' report.

14. Consider approval of the minutes from the Regular Meeting on September 14, 2010.

MOTION: Upon a motion made by Commissioner Seebeck and a second by Commissioner Wood, the Commission voted six (6) for and none (0) opposed to approve the minutes of the regular meeting on September 14, 2010. The motion carried.

15. Questions and answers from the Press and Public.

There were no questions from the public.

16. Adjournment

Chair Bishop adjourned the Planning and Zoning Commission at 9:15 p.m. on Tuesday, September 28, 2010.

Sherwood Bishop, Chair

Bill Taylor, Commissioner

Jim Stark, Commissioner

Jude Prather, Commissioner

Chris Wood, Commissioner

Curtis Seebeck, Commissioner

ATTEST:

Francis Serna, Recording Secretary